

In the High Court of Judicature at Madras

Dated: 13.08.2015

Coram:

The Honourable Mr.Justice SATISH K. AGNIHOTRI
AND
The Honourable Mr.Justice K.K.SASIDHARAN

W.A.No.1037 of 2015
& M.P.No.1 of 2015

The Management of
Tamil Nadu State Transport Corporation
(Villupuram Division III) Ltd.,
Kancheepuram
Rep.by its Managing Director .. Appellant/ Petitioner

vs.

1. The Presiding Officer
II Additional Labour Court
Chennai.

2. P. Devarajan .. Respondents/ Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 30 April 2014 in W.P.No.40992 of 2002 on the file of this Court.

W.P.NO.40992 of 2002:- Petition filed under Article 226 of the Constitution of India for the issuance of a writ of certiorari calling for the records relating to ID No.566 of 1997 dated 18.4.2002 on the file of the first respondent and quash the same.

For Appellant : Mr.S.S.Swaminathan

For Respondents : Mr. C. Manohar for R.2

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J)

This intra-court appeal is directed against the order dated 30 April 2014 in W.A.No.40992 of 2002, whereby and whereunder the learned Single Judge upheld the award passed by the II Additional Labour Court, Chennai.

2. Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the second respondent.

3. The second respondent was employed as Assistant Trade Man in the Tamil Nadu State Transport Corporation at its Villupuram Division. The appellant (hereinafter referred to as "the Corporation") initiated enquiry against the second respondent alleging serious acts of misconduct. The second respondent was ultimately removed from service by order dated 27 August 1996.

4. The second respondent raised an industrial dispute before the Labour Court, Chennai. The Labour Court considered the materials and arrived at a factual finding that the Corporation miserably failed to prove the charges framed against the second respondent. The Labour Court directed the Corporation to re-instate the second respondent with continuity of service, backwages and all other attendant benefits.

5. The learned Single Judge considered the matter once again and agreed with the findings recorded by the Labour Court.

6. The Labour Court is the final Court of facts. The Labour Court considered the charges framed against the second respondent in the light of his explanation and evidence adduced before the enquiry officer. The Labour Court has given a categorical finding that the Corporation miserably failed to prove the misconduct in question. There is no question of re-appreciating the evidence once again by the appellate court. It is not within the province of this Court to re-appreciate the materials considered by the Labour Court for the purpose of arriving at a different decision. We are, therefore, of the view that no interference is called for in the order passed by the learned Single Judge.

7. In the result, the intra-court appeal is dismissed. We direct the appellant to comply with the order passed by the Labour Court within a period of four weeks from the date of receipt of a copy of this judgment. Consequently the connected MP is closed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Tr/

To

1. The Managing Director
The Management of
Tamil Nadu State Transport Corporation
(Villupuram Division III) Ltd.,
Kancheepuram

2. The Presiding Officer
II Additional Labour Court
Chennai.

1 cc to M/s. S.S. swaminathan, Advocate, Sr. 42362
1 cc to Mr.C. Manohar, Advocate, Sr. 42552

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