



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2015

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CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN  
and  
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal (MD) No.1278 of 2015

R.Srinivasan

... Appellant

Vs.

1. The Management,  
Tamil Nadu State Transport Corporation,  
(Kumbakonam) Unit II,  
Collector Office Road,  
Tiruchirappalli.

2. The Presiding Officer,  
Labour Court,  
Tiruchirappalli.

... Respondents

Prayer:

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 15.04.2013 made in W.P.(MD)No.6820 of 2004.

Prayer in WP(MD)No.6820/2004:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in ID No.1/2000 dated 16.10.2003 and quash the same as illegal and direct the first respondent to reinstate the petitioner in service with continuity of service and full backwages.

For Appellant : Mr.S.Muthukrishnan

For 1<sup>st</sup> Respondent : Mr.D.Sivaraman

JUDGMENT

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN, J)

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This appeal arises out of an order passed in a writ petition, refusing to interfere with the award of the Labour Court



but granting a monetary compensation.

2. Heard S.Muthukrishnan, learned counsel for the appellant. Mr.D.Sivaraman, learned counsel takes notice for the first respondent.

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3. The appellant was employed as a driver, just for a period of about 1½ years from 25.07.1997. On 11.10.1998, the bus which he was driving was involved in a road traffic accident. A charge memo was issued on 12.11.1998, an enquiry was conducted and he was dismissed from service on 27.03.1999.

4. The appellant raised an industrial dispute. By a preliminary award, the Labour Court held that the domestic enquiry was not conducted in a fair and proper manner. Therefore, both parties led evidence both oral and documentary before the Labour Court. On the basis of the documentary and oral evidence let in by both the parties, the Labour Court came to the conclusion that the appellant was guilty of the misconduct complained. Therefore, after holding the charge proved, the Labour Court refused to interfere with the order of dismissal.

5. Challenging the award of the Labour Court, upholding his dismissal, the appellant filed a writ petition in W.P(MD) No.6820 of 2004. This writ petition was disposed of by a learned Judge, upholding the verdict of the Labour Court but directing payment of compensation of Rs.20,000/-. Not satisfied with such an order, the appellant is before us.

6. At the outset, it is to be noted that the learned Judge could not have awarded compensation without interfering with the award of the Labour Court. The award of the Labour Court, cannot normally be interfered with in a writ petition under Article 226 of the Constitution of India. Therefore, if the Corporation had come up with a writ petition the appellant would have been in difficulty.

7. Therefore, we do not think that the order of the learned Judge could be found fault with especially at the instance of the appellant.

8. It is contended by Mr.S.Muthukrishnan, learned counsel for the appellant that the learned Judge was in error in noting the age of the appellant. He produced a copy of the SSLC certificate showing that the appellant was born on 15.07.1958.

9. But this does not really tilt the matter, as we have stated the scope for interference with an award of the Labour Court is extremely limited. Without even interfering, the learned



Judge considered the case sympathetically and awarded compensation. We do not think that the appellant can ask for anything more. Therefore, the appeal is dismissed. No costs.

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Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Management,  
Tamil Nadu State Transport Corporation,  
(Kumbakonam) Unit II,  
Collector Office Road,  
Tiruchirappalli.

2. The Presiding Officer,  
Labour Court,  
Tiruchirappalli.

+ 1 CC TO MR.S.MUTHUKRISHNAN, ADVOCATE IN SR NO. 70348  
+ 1 CC TO MR.D.SIVARAMAN, ADVOCATE IN SR NO. 69788

SMS

TE/SKS-RR/ 15/12/2015 : 3P/5C

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