

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

The Honourable Mr. SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr. Justice M.M.SUNDRESH

W.A.No.2081 of 2010

1. D.Baskaran
2. R.Kaliaperumal
3. N.M.Kaliaperumal
4. R.Selvaraj
5. M.Ramachandran
6. R.Chandran
7. G.Santhagopalan
8. R.Kadirvelu
9. G.Govindarajan
10. C.Marudhan Petitioners / Appellants

Vs.

1. The Presiding Officer,
Labour Court, Cuddalore,
Cuddalore District,
2. The Management of Tamil Nadu,
State Transport Corporation Limited,
New Railway Station Road,
Kumbakonam - 612 001,
Thanjavur District. ... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the Order dated 31.3.2010 made in W.P.No.45297 of 2002 presented under Art 226 of the constitution of India to issue a writ of certiorarified mandamus calling for the records from the 1st Respondent relating to the Award in I.D.No.10/92 dated 12.12.2001 and quash the same and direct the 2nd Respondent to reinstate the Petitioners with continuity of service and backwages and attendant benefits and award costs on the file of this Court.

For Petitioner : Mr.S.Ayyathurai

For Respondents : Mrs.Rita Chandrasekaran for R.2

JUDGMENT

(Judgment of the Court was made by M.M.Sundresh,J.)

The appellants have been given training under Half-a-million jobs programme for the year 1973-74 in pursuant to the Government Order in G.O.Ms.No.728, Transport Department, dated 16.11.1973. It was a crash programme introduced as per the scheme to impart training for driving heavy vehicles. Subsequently, by the letter dated 28.1.1975, Government of Tamil Nadu discontinued the scheme. Thus, all the trainees were ousted accordingly.

2. Though the said occurrence was in the year 1975, the appellants filed claim petitions on 17.12.1983 seeking reinstatement and consequential reliefs. An award was passed on 12.12.2001 inter alia holding that there was no dismissal or termination involved, as the appellants were mere trainees. Challenging the same, a writ petition was filed in W.P.No.45297 of 2002. The writ petition was dismissed confirming the award passed. The contention raised on behalf of the appellants basing reliance upon the settlement entered into between two employees of the 2nd respondent under section 18(1) of the Industrial Disputes Act was also rejected on the ground of consideration being different. Not satisfied with the order passed by the learned single Judge, the present appeal has been preferred.

3. Learned counsel appearing for the appellants submitted that it is a case of dismissal and unfair labour practice. When similarly placed persons were given employment in pursuant to the settlement under Section 18(1) the appellants cannot be treated differently. Though the appellants have reached the age of superannuation, taking note of the facts and circumstances of the case, they could be adequately compensated.

4. Per contra, it is submitted by the learned counsel for the 2nd respondent that the appellants do not have a legal right. The training was given based upon the scheme, which was discontinued by the Government. There is no master and servant relationship. The appellants, having approached the Court belatedly, cannot seek any relief.

5. It is not as if the appellants have successfully completed the training. They are governed by the scheme, which was discontinued by the Government. Therefore, as rightly held by the Labour Court, as confirmed by the learned single Judge, there is no legal right available to the appellants. They have reached the age of superannuation now. The case of the other two employees stand on a different footing. There was a settlement under Section 18(1) of the Industrial Disputes Act. They were also appointed as apprentices, that too, on a temporary basis. Appointments were also subsequent. Admittedly, the appellants have not approached the 2nd respondent making a similar request. The premise on which the appellants sought the relief before the

Labour Court was different. Thus, we do not find any error in the award passed by the 1st respondent, as confirmed by the learned single Judge, warranting interference.

6. Accordingly, the writ appeal stands dismissed. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1. The Presiding Officer,
Labour Court, Cuddalore,
Cuddalore District,
2. The General Manager
T.N.State Transport Corporation Limited,
New Railway Station Road,
Kumbakonam - 612 001,
Thanjavur District.

1 cc to Mr. Jayesh B. Dolia, Sr. 15524

W.A.No.2081 of 2010

TEJ (CO)
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