



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.1475 of 2015

and

M.P(MD)No.2 of 2015

State Express Transport Corporation

Tamil Nadu Limited,

2, Pallavan Salai, Chennai 600 002,

Rep by its Managing Director

... Appellant/Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Madurai.

2.R.Balachandran

... Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 10.07.2014 made in W.P.(MD)No.6178 of 2007.

Prayer in WP(MD). 6178/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a WRIT OF CERTIORARI, calling for the records in I.D.No. 88 of 2000 dated 28/04/2006 on the file of the Labour Court, Madurai, and quash the same.

For Appellant : Mr.K.Sudalaiyandi

For 2nd Respondent : Mr.S.M.Mohan Gandhi

JUDGMENT

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

This appeal is by the Tamil Nadu State Express Transport Corporation Limited, challenging an order of the learned Judge, partly allowing their writ petition questioning the award passed by the Labour Court.

2.Heard Mr.K.Sudalaiyandi, learned counsel for the appellant. Mr.S.M.Mohangandhi, learned counsel takes notice for the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The second respondent workman was dismissed from service pursuant to a domestic enquiry on 07.04.1999. He raised an



industrial dispute in I.D.No.88 of 2000. The Labour Court, by an award dated 28.04.2006, set aside the dismissal and directed the reinstatement with full backwages and continuity of service.

4.As against the said award, the management filed a writ petition. Finding no ground to interfere with the substantial part of the award of the labour Court, the learned Judge disposed of the writ petition confirming the award of reinstatement but reduced the quantum of backwages. Fortunately, the workman has not come up with any writ appeal. But the management has come up with the present appeal.

5.The scope of interference with an award of the Labour Court under Article 226 is extremely circumscribed. The learned Judge found that according to the Labour Court, the charges could not be held proved. The Labour Court is the final Court with respect to issues of fact. Therefore, there is no scope for interference with the finding of fact recorded by the Labour Court.

6.The findings of the Labour Court were not demonstrated either before the learned Judge or before us to be extremely perverse or not based upon any evidence at all. Therefore, the judgment of the learned Judge confirming the findings of the Labour Court cannot be interfered with.

7.On the question of backwages, the learned Judge has adopted a very fair approach beneficial to the Corporation.

8.Learned counsel for the workman states that he is not challenging that portion of the order of the learned Judge depriving one portion of backwages. Therefore, the Corporation should be actually happy. Hence, the writ appeal is dismissed. No costs. Consequently, M.P(MD)No.2 of 2015 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court, Madurai.

+1cc to Mr.K.Sudalaiyandi, Advocate Sr.No.286

+1cc to Mr.S.M.Mohan Gandhi, Advocate Sr.No.8421

sms

AA/SK-SKN/22.01.2016/2p-4c

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