

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.31377 of 2014
& M.P.No.1 of 2014 and W.M.P.Nos.12087 to 12089 of 2016

The Management
Tamilnadu State Transport Corporation Ltd.,
Villupuram,
Rep. by its General Manager ... Petitioner
vs.

1.W.Edward Mohanraj
2.The Presiding Officer,
Labour Court,
Cuddalore. ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records of the order passed by the 2nd respondent in I.D.No.74 of 2007 dated 24.01.2011 and quash the same as illegal.

For Petitioner : Mr.P.Paramasivadosh

For Respondents : Mr.R.Muralidaran for R1

O R D E R
सत्यमेव जयते

By consent the main writ petition itself is taken up for disposal.

2. The first respondent was working as a casual employee with the petitioner. He joined the services on 10.09.1992 as per Ex.W2. In the year 1993, he was transferred to Thiruvannamalai Branch. On 31.10.1993, a charge memo was issued under Ex.W7 to the first respondent on the ground that he was careless in his duty. On receipt of the explanation from the first respondent, he was dismissed from service by the petitioner/Management on 03.12.1996. The Tribunal in I.D.No.74 of 2007 dated 24.01.2011 ordered reinstatement without back wages and continuity of service presumably on the ground that

the first respondent was only a casual employee. The dismissal order was passed having found not satisfied with the work. It was held that it suffers from the violation of principles of natural justice as it was not preceded by an enquiry. The order of dismissal was passed by the petitioner on the ground that the first respondent was found absent frequently. Therefore, only on that ground viz., not conducting the enquiry, the order was passed by the second respondent .

3. The learned counsel for the petitioner submits that the Tribunal has granted a permanent status to the second respondent.

4. This Court does not find any perversity in the award passed by the second respondent on 24.01.2011. It is not, as if, the Tribunal has granted a different status to the first respondent. A finding was given that the first respondent was working continuously for a period of 240 days. In such view of the matter, this Court does not find any merit in this writ petition warranting interference. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

raa

To
The Presiding Officer,
Labour Court,
Cuddalore.

+1cc to Mr.R.Muralidharan,Advocate sr.44259

ss(17/7/2017)

W.P.No.31377 of 2014

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