

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Writ Appeal No.905 of 2014
and M.P.No.1 of 2014

K.Sivaprakasam

..Appellant

Vs

1.The Management of
M/s. Turbo Energy Ltd.,
Pulivalam, Vellore District

2.The Principal Presiding Officer
Labour Court, Vellore

..Respondents

Prayer : Writ Appeal filed against the order dated 13.06.2014
passed in W.P.No.7842 of 2010.

WP.No.7842 of 2010: Writ Petition filed under Article 226 of the
Constitution of India, praying for the issue of a Writ of a
Certiorari Calling for the records from the files of the 2nd
Respondent in I.D.No.165 of 2004 and quash its impugned Award
made therein dated 25.08.2009 in so far as the 2nd Respondent
has denied and negative Petitioner claim for reinstatement in
service with continuity of service with back wages and with
all other attendant and consequential benefits

For Appellant :: M/s.S.T.Varadarajulu
T.Kalkkivelan

For Respondents::Mr.S.Ravindran
Senior counsel for M/s.S.Basheer Ahmed
R2-Labour Court.

JUDGMENT

(Judgment of the Court was made by
RMT.TEEKAA RAMAN, J.)

Challenging the correctness of the order of the learned
Single Judge passed in W.P.No.7842 of 2010 dated 13.06.2014,
whereby, the Award of the Labour Court made in I.D.No.165 of

2004 dated 25.08.2009, has been confirmed, the Appellant/Writ Petitioner, has filed this Writ Appeal.

2. The main contention of the learned counsel for the Appellant/ Writ Petitioner is that he was not given sufficient opportunity to put forth evidence on his side before the Labour Court, but the Labour Court wrongly concluded that the workman has admitted all the charges and as such the order of the learned Single Judge, in confirming the order of the Labour Court, without properly appreciating the entire evidence is not sustainable.

3. Per contra, the learned counsel appearing for the 1st respondent/Management, submits that, before the Labour Court, sufficient opportunity has been given to the appellant/Writ Petitioner, however, he has not availed the same; he has not even entered the witness box to explain the reasons for not reporting to work on the dates mentioned. The learned counsel thus sought for dismissal of the present Writ Appeal.

4. In earlier round of litigation, this court had given a clear finding that the Labour Court was justified in giving a finding that the enquiry conducted by the enquiry officer was not fair and proper and that the punishment of dismissal from service imposed on the petitioner is also an extreme penalty and thereby, a direction was given to the first respondent/Management to prove the charges to sustain the order of dismissal. But, thereafter, based on the explanation given by the petitioner to the show cause notice and taking into consideration the fact that the appellant/Writ Petitioner did not produce the targeted output and that he admitted the charge and the belated leave letter, the Labour Court, passed the award and the learned Single Judge, gone into each and every charges framed against the Appellant and also the explanation given by the workman and confirmed, the award of the Labour Court, finding that there is no substance whatsoever to interfere with the well reasoned award passed by the 2nd respondent-Labour Court.

5. In this view of the matter, we do not find any reason to interfere with the finding of the learned Single Judge. There is no merit in the contention of the learned counsel for the appellant/Writ Petitioner and accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nvsri

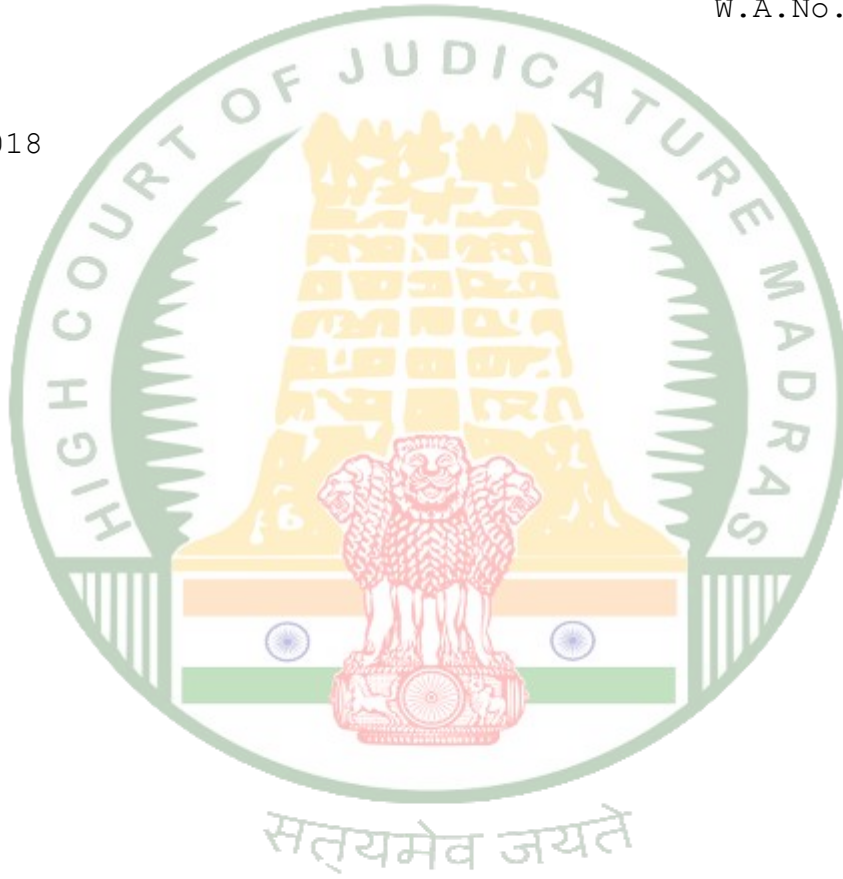
To

1.The Principal Presiding Officer
Labour Court, Vellore

+1 cc to Mr.S.T.Varadarajulu Advocate sr 83974
+1 cc to Mr.S.Bazeer Ahamed Advocate sr 84036

W.A.No.905 of 2014

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