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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD].No.1101 of 2016

and

C.M.P.(MD)Nos.3383 of 2017 and 6715 of 2016

The Management of
Tamil Nadu State Transport Corporation
Kumbakonam, Division II
Collector Office Road,
Trichy.

... Appellant

Vs.

1.R.Balakrishnan

2.The Presiding Officer,
Labour Court,
Tiruchirappalli.

... Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.8347 of 2010 dated 28.08.2014 .

Prayer in WP(MD). 8347/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus or any other order or direction in the nature of writ calling for the records of the 2nd respondent in I.D.No.144/06 and Quash the same and direct the first respondent to reinstate the petitioner with continuity of service and full backwages.

For Appellants : Mr.D.Sivaraman
For R1 : Mr.S.Muthukrishnan

JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

The Writ Appeal is directed against the order dated 28.08.2014

made in W.P.(MD)No.8347 of 2010 filed by the first respondent herein.



2.The first respondent was working as conductor in the Appellant Corporation. He was on duty on 08.07.2004. His bus was checked by the Checking Inspector. It was alleged that the first respondent had reissued the tickets, which were already issued to some other passengers.

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3.The writ petitioner was issued with a charge memo and he was dismissed from service by order dated 25.11.2004. He filed ID No.144 of 2006 before the Labour Court, Tiruchirappalli. It was also dismissed. The writ petitioner filed W.P.(MD)No.8347 of 2010, challenging the award of the Labour Court and sought reinstatement with continuity of service and full back wages.

4.The learned Judge by order dated 28.08.2014 allowed the writ petition and set aside the order passed by the Labour Court as well as the appellant corporation, dismissing the first respondent herein from service and reinstatement was ordered with continuity of service but, without back wages. Challenging the same, this intra Court appeal has been filed.

5.Heard, the learned counsel for the parties.

6.The charge against the first respondent herein is that the ticket already issued to a passenger was reissued to another passenger, because the first passenger did not complete the journey and that the first respondent herein had collected the very ticket for re-issuance. The learned Judge after going through the entire materials on record held that there is absolutely no evidence in support of the charge and that the finding of the enquiry officer is based on no evidence and that it is perverse.

7.We do not see any ground to take a different view. The principal contention raised by the learned counsel for the appellant is that this Court exercising the jurisdiction cannot re-evaluate the finding of the Labour Court. But when the finding given by the learned Judge is that there is no material in support of the charge, the appellant cannot contend that the scope under Article 226 of Constitution of India is limited. There is no merit in this writ appeal. It stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar



To

The Presiding Officer,
Labour Court,
Tiruchirappalli.

+One cc to Mr.D.Sivaraman, Advocate, SR.No.72680

+One cc to Mr.S.Muthukrishnan, Advocate, SR.No.72287

gsp/smi

RL/4C/2P/MR/KKR/SAR1/12/10/2017

W.A.[MD].No.1101 of 2016

11.08.2017