

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.4.2018

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

C.M.P.No.7236 of 2018

in

W.A. SR.11462 of 2013

and

W.A. SR.11462 of 2013

A.Baskaran

Petitioner/Appellant

Versus

1. The Presiding Officer,
Labour Court, Salem.

2. M/s.Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem 7 rep. by its Managing Director

Respondents/Respondents

Prayer: Petition filed under Order IV Rule 9(4) of A.S. Rules to condone the delay of 1467 days in re-presenting the above Writ Appeal against the order dated 9.7.2013 made in W.P.No.6401 of 2008.

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 9.7.2013 made in W.P.No.6401 of 2008 on the file of this court.

For petitioner/appellant : Ms.S.Girija

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner/appellant for some time and perused the order passed by the learned Single Judge.

2. The present petition has been filed by the delinquent employee seeking to condone the delay of more than four years in filing writ appeal against the order passed by the learned Single Judge in the writ petition filed by the Transport Corporation wherein the order passed by the Labour Court granting the relief of reinstatement to the delinquent employee was set aside.

3. Having heard the learned counsel appearing for the petitioner/appellant and perused the order passed by the learned Single Judge, we find that the petitioner/appellant had involved in about 51 misconducts including the present ones, wherein two casualties are there and though the Management has taken a lenient view on the previous occasions, the petitioner/appellant ignored to utilise the same and to be more vigilant in his duty as Driver and the Labour Court, overlooking the attitude of the delinquent employee and the totality of the circumstances, had chosen to interfere with the punishment imposed and directed for reinstatement of the delinquent employee despite the fact that it has observed to the effect that the enquiry was conducted in a fair and proper manner.

4. In the circumstances, when admittedly, there are two casualties and 49 past misconducts, the stand taken by the learned Single Judge to set aside the order passed by the Labour Court cannot be lightly taken to reverse the conclusion. Therefore, we are of the view that the order passed by the learned Single Judge does not call for any interference. Apart from

that the petitioner/appellant has taken more than four years to challenge such a reasoned order which has not been properly explained. We find no reason to condone the inordinate delay of 1467 days both on the ground of laches and on the merits of the writ appeal. In such view of the matter, the petition seeking to condone the delay in filing the writ appeal is dismissed. Consequently, the writ appeal at SR stage is rejected. No costs.

(H.G.R.,J.)(M.D.I.,J.)

24.4.2018

Index:Yes/No
Internet:Yes/No
ssk.

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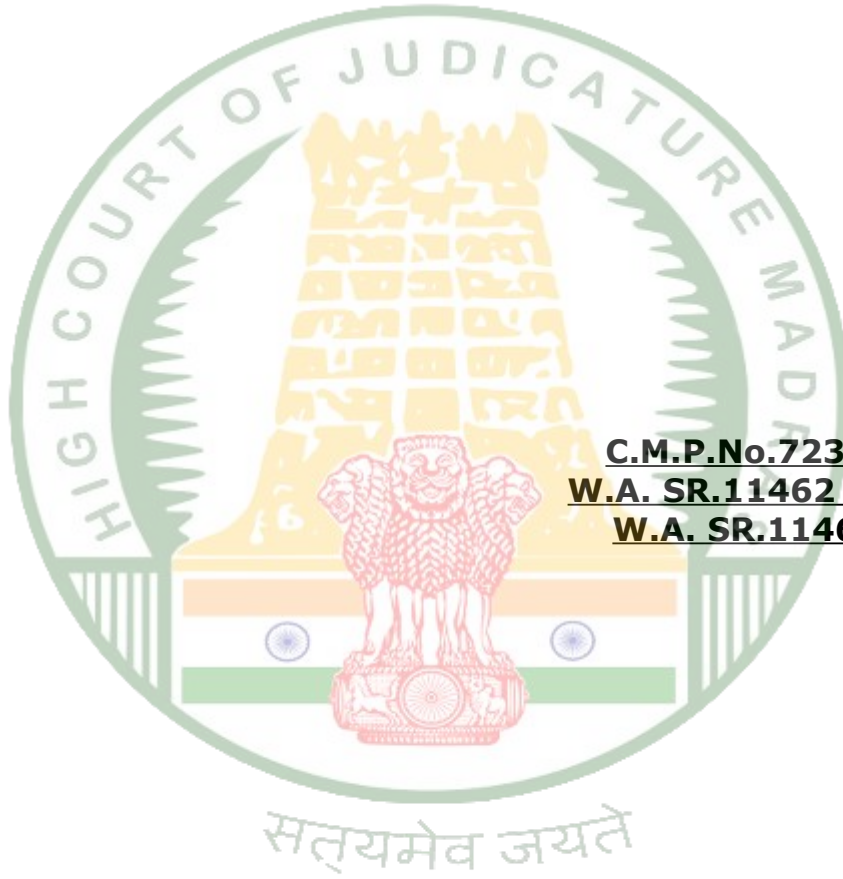
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**HULUVADI G. RAMESH, J.
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