

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.19287 of 2004

and W.M.P.No.38266 of 2004

V.Panneer

...Petitioner

Vs

1.The Presiding Officer
The Principal Labour Court,
Chennai.

2.The Managing Director
Metropolitan Transport Corporation
(Chennai Division-II), Ltd.,
Anderson Street, Chennai - 600 023.

....Respondents

For Petitioner : M/s.N.A.Nissar Ahmed
Government Advocate

For Respondents : Mr.M.Chidambaram - for R2
R1 - Labour Court

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records of the first respondent dated 20.11.2003 received by the petitioner on 18.02.2004 in I.D.No.238 of 1998 and to quash the same.

O R D E R

This writ petition has been filed by the workman, challenging the award passed by the labour court dated 20.11.2003 in I.D.No.238 of 1998. The labour court has held that non employment of the petitioner is justified and the petitioner is not entitled to any relief.

2. The main contention raised by the workman is that in respect of the charge under Section 307 IPC, even though the domestic enquiry held that it is proved, the criminal court has given a finding of acquittal and therefore it is a case to be considered in a fresh perspective.

3. Learned counsel for the management submitted that the petitioner is guilty of laches and the management is justified in dismissing the claim of the workman.

3.1. Learned counsel for the workman submits that eventhough it is alleged that there is a delay of 20 years, it is not so, because in the mean time he was pursuing the matter before the

High Court, in which a finding has been given that the workman shall move the labour court, and therefore there is no delay.

4. This contention cannot be accepted, as the appropriate remedy open to the workman was to move the labour court. Moreover, even apart from the question of delay, so far as the merits are concerned, the management relies on past incidents and the finding of the enquiry officer, which does not appear to be incorrect. There is a clear finding that the workman stabbed a co-worker, which is a sheer indiscipline. The findings of the enquiry officer has been rightly upheld by the labour court and this court finds no reason to interfere with the same. Accordingly the writ petition is liable to be dismissed and it is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KST

To

1.The Presiding Officer
The Principal Labour Court,
Chennai.

2.The Managing Director
Metropolitan Transport Corporation
(Chennai Division-II), Ltd.,
Anderson Street, Chennai - 600 023.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.75973
+1cc to Mr.M.Chidamsaran, Advocate, S.R.No.75073

W.P.No.19287 of 2004

GP(CO)

rrs 27/11/2018