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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.1257 of 2018
and
CMP No.10386 of 2018

Tamil Nadu State Transport Corporation,
[Coimbatore Division I] Ltd.,
Formerly known as Cheran Transport Corporation Ltd.,
Rep. by its Managing Director,
37, Mettupalayam Road, Coimbatore - 641 043.

.. Appellant

versus

1. The Industrial Tribunal,
Chennai - 600 104.

2. K.Rajamanickam

.. Respondents

Writ Appeal filed under clause 15 of Letter Patent against
the order dated 28.04.2008 in W.P.No.12893 of 1998

Prayer: in WP.12893/1998

Praying to Issue a writ of certiorari to call for the
records of the first respondent ie. The Industrial Tribunal,
Madras, award passed in P.NO.64 of 1990 dated 29.01.1997 and
quash the same.

For Appellant : Mr.Gopinath
for M/s.M.Ravi Bharathi

JUDGMENT

(Order of the Court was delivered by S.MANIKUMAR, J.)



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Writ Appeal is directed against the order made in W.P.No.12893 of 1998 dated 28.04.2008, by which the writ Court, declined to interfere with the Award passed by the Industrial Tribunal, Madurai in I.D.No.64 of 1990.

2. Material on record discloses that Respondent No.2, was working as a Conductor in Tamilnadu State Transport Corporation, Coimbatore Division-I. Charges framed against Respondent No.2, under Clause 14(b) (d) (u) and (ab) of the standing orders, are as follows:

"14(b) Wilful insubordination or disobedience whether alone or in combination with another and defying any order of a superior.

(d) Theft, fraud or dishonesty in connection with the employer's business or property or a theft of another employees property within the establishment.

(u) Threatening, abusing, intimidation or assaulting any workmen, outside the premises of the industrial establishment, if such threat, abuse, intimidation or assault is in connection with the employment in the industrial establishment.

(ab) Failure to issue tickets".

3. After conducting a domestic enquiry, Tamilnadu State Transport Corporation, dismissed Respondent No.2 from service. As there was a dispute pending before the Industrial Tribunal, an Approval Petition under Section 33(2)(b) of the Industrial Disputes Act, 1947 was filed and taken on file as Petition No.64 of 1990. Eight documents filed by the Transport Corporation were marked as Exs.M1 to M8. Industrial Tribunal found that charges were not made out. Declaring the finding of the Enquiry Officer as perverse, vide order dated 29.01.1997 in petition No.64 of 1990, the Industrial Disputes Tribunal, Madras, dismissed the Approval Petition.

4. Being aggrieved, Tamilnadu State Transport Corporation, Coimbatore-I, appellant herein filed W.P.No.12893 of 1998. When the writ petition came up for hearing in 2008, writ Court found that the Management itself had reinstated Respondent No.2, before filing of the writ petition and that he had worked for ten years. Writ Court also found that there was no serious irregularity in the order passed by the Industrial Tribunal and thus holding that it is not a fit case to interfere with, under Article 226 of the Constitution of India, dismissed the writ petition.

5. Though, Tamilnadu State Transport Corporation has assailed the correctness of the order of the writ Court and Mr.Gopinath, learned counsel for the appellant made submissions,



this Court is of the view that there is no manifest illegality in the order impugned. Hence, writ appeal is dismissed. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrarars

To

The Industrial Tribunal,
Chennai - 600 104.

W.A.No.1257 of 2018
and
CMP No.10386 of 2018

NRI (CO)
GSP(02/07/2018)