

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.4.2018

CORAM

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

W.A.No.167 of 2018
and
C.M.P.Nos.959 and 1150 of 2018

The Superintending Engineer
Dharmapuri Electricity Distribution Circle
Tamil Nadu Electricity Board Dharmapuri-5. Appellant

Versus

1 The Presiding Officer
Labour Court Salem.
2 T.Karuppannan Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 18.3.2016 passed in W.P.No.3226 of 2015 on the file of this court.

WP.NO.3226/2015:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to Call for the records relating to the award passed by the 1st respondent made in I.D.No.7/2006 dated 03.08.2013 and quash the same.

For appellant : Mr.Anand Gopalan for
M/s.T.S.Gopalan and Co.

For R2 : Mr.L.Chandrakumar

JUDGMENT

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

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the Tamil Nadu Electricity Board challenging the order passed by the learned Single Judge dismissing the writ petition filed by the

appellant whereby the the Electricity Board had questioned the correctness of the order passed by the Labour Court in directing reinstatement of the second respondent herein.

3. The misconduct alleged on the part of the second respondent is impersonation which resulted in dismissal from service. It appears that with regard to impersonation, the Board could not trace the vital documents during the proceedings before the Labour Court and before the learned Single Judge, whereas, now, it is contended on the part of the Board that there are documents available to establish that there is a clear case of impersonation committed by the second respondent herein and therefore, sought for the indulgence of this court.

4. Learned counsel appearing for the second respondent submitted that despite the opportunity given to the appellant herein before the Labour Court, the Board has not chosen to file any document and therefore, on appreciating the available materials, the Labour Court has come to the conclusion that the case of the appellant with regard to impersonation as baseless and on considering such aspects alone, therefore, there is nothing to interfere with the order passed by the learned Single Judge.

5. Having heard the learned counsel appearing for the parties, we are of the view that to verify the genuineness of the documents as well as the genuineness of the claim of the second respondent herein, it needs re-investigation in the matter and therefore, while setting aside the order passed by the learned Single Judge as well as the order passed by the Labour Court, the matter is remanded to the Labour Court, directing the Labour Court to conclude the matter after affording opportunity to both the parties to have their say in the matter and pass final orders in accordance with law within a period of three months from the date of receipt of a copy of this judgment. All the contentions are left open to be raised by both the parties before the Labour Court. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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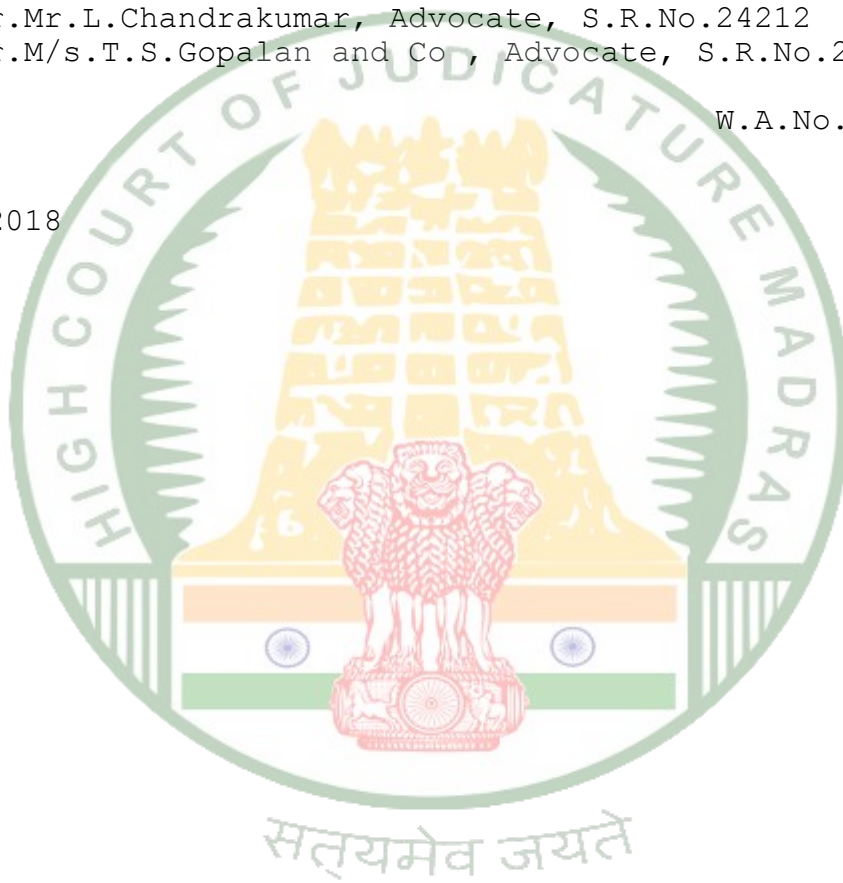
1. The Superintending Engineer
Dharmapuri Electricity Distribution Circle
Tamil Nadu Electricity Board Dharmapuri-5.
- 2 The Presiding Officer
Labour Court Salem.

+1cc to Mr.Mr.L.Chandrakumar, Advocate, S.R.No.24212

+1cc to Mr.M/s.T.S.Gopalan and Co, Advocate, S.R.No.24223

W.A.No.167 of 2018

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