

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9/10/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Appeal No.1650 of 2018

1. The Junior Engineer
Tamil Nadu Electricity Board
Periyakolappallore
Thiruvannamalai District.
2. The Executive Engineer
Tamil Nadu Electricity Board
Chetpet
Thiruvannamalai District.
3. The Superintending Engineer
Tamil Nadu Electricity Board
Thiruvannamalai
Thiruvannamalai District. Appellants

Vs

1. R. Radhakrishnan
2. The Presiding Officer
Labour Court, Vellore. Respondents

Petition filed under Clause 15 of Letters Patent against the order dated 11/10/2017, made in W.P.No.26492 of 2017. Writ petition is filed under Article 226 of the constitution of India for issuance of a writ of certiorarified Mandamus to call for the records of the fourth respondent Labour Court in ID No.4/2001 dated 27.3.2006 and to quash the same and consequently direct the respondents 1 to 3 to give employment to the petitioner forthwith;

For appellants ... Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

For 1st Respondent ... Mr.P. Mani

J U D G M E N T

(Judgment of the Court was made by SUBRAMONIUM PRASAD, J)

This Writ Appeal is directed against the order, dated 11/10/2017, made in W.P.No.26492 of 2017.

2. Facts of the case are as follows:-

The first respondent was working as a Helper, with the appellant Board, and a Contract Labourer. He was engaged in the works of erecting pillars, digging pits and various other works. He was refused employment from 14/11/1996. Respondent No.1, workman, approached the labour Court, under Section 2 A (2) of the Industrial Disputes Act, for reinstatement in service with continuity of service, full backwages together with attendant benefits.

3. Labour Court found that the first respondent herein could not prove that he had worked for more than 240 days continuously in a year, in the appellant Management and therefore, rejected the claim of the first respondent. Against the above said order, the employee/first respondent herein, filed W.P.No.27786 of 2018.

4. On a careful perusal of the records, writ Court found that Exs.W.12 and W.13 certificates, dated 16/9/1995 and 28/8/1996, respectively, were issued by the Assistant Engineer and Junior Engineer, respectively, employed in Tamil Nadu Electricity Board, Kolappalore. Going through the contents of the certificates and significance, writ Court held that the certificates would show that the first respondent herein, had been working in Kolappalore Section from 1/7/1993, till the date of issuance of two certificates and therefore, writ Court held that it is sufficient enough to prove the employment of respondent No.1 in Tamil Nadu Electricity Board, for a period more than 270 days.

5. Recording the said finding, vide order, dated 11/6/2014, writ Court, allowed the writ petition, by quashing the award, made in I.D.No.4 of 2001, passed by the Presiding Officer, Labour Court, Vellore and directed the respondents 1 to 3 therein, to reinstate the first respondent herein, in service with continuity of service, but without any other monetary benefits, within twelve weeks, from the date of receipt of a copy of the said order. Being aggrieved, the appellant Management has filed the instant appeal.

6. Heard Mr.Anand Gopalan for the appellant and Mr.P.Mani for the first respondent.

7. A bare reading of the certificates issued by the Assistant Engineer and Junior Engineer, respectively, attached to Tamil Nadu Electricity Board, Kolappalore, would show that the first respondent herein, had been working as a Contract Labourer, in Kolappalore Section for the period from 1/7/1993, till the date of issuance of two certificates. Since the above said certificates have been issued by the Officers of the appellant Board, they cannot deny the said fact.

8. On the facts and circumstances of the case, we deem it appropriate, to direct that the appellant Board to reinstate the first respondent from the year 2012, i.e., the date from which the persons junior, to the first respondent, and similarly situated, were reinstated by the appellant Board.

9. In the result, Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mvs/gsp

To

The Presiding Officer
Labour Court
Vellore.

+ 1 cc to Mr. P. Mani, Advocate Sr.69784

+ 1 cc to M/s. T.S. Gopalan, Advocate Sr.69690

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