

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.41891 of 2006

Akila India Min Variam Kanakkeettalar
Matrum Panam Vasulippavarkal Sangam,
rep by its General Secretary Thiru T.Ganesan,
18, Koya Arunagiri First Street,
Mir Sahibpet, Royapettah,
Chennai-600 014. Petitioner

Vs.

1.The Management,
Tamil Nadu Electricity Board,
Min Pakirmaana Vattam,
Chengalpattu.

2.The Presiding Officer,
The Principal Labour Court,
Chennai. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the award of the Principal Labour Court, Chennai in I.D. No.630 of 2003 dated 24.07.2006 and quash the same and consequently directing the first respondent to refund the amount recovered from the petitioner's terminal benefit to the petitioner.

For Petitioner : Mr.S.Periyaswamy

For Respondents: Mr.P.R.Dhilip Kumar,
Standing Counsel for R1

O R D E R

The petitioner has filed this writ petition challenging the award passed by the Principal Labour Court, Chennai in I.D. No.630 of 2003 dated 24.07.2006 and seeking a direction to the first respondent to refund the amount recovered from his terminal benefits.

2.The case of the petitioner is that one A.Deivasigamani was employed under the first respondent from 19.12.1968 and he was lastly promoted as Revenue Supervisor in the year 1994 and posted at Nazarathpet and he was superannuated on 28.02.2001. While he was in service, the first respondent issued a Charge Memo dated 01.01.2001. After conducting domestic enquiry, the said Deivasigamani was imposed with a punishment of stoppage of increment for two years with cumulative effect. Against the said order, he preferred an Appeal before the Chief Engineer, Distribution, Madras Region and the same was rejected on 27.01.2003. Though he was not in service at the time of imposition of punishment and he was superannuated on 28.02.2001, a sum of Rs.4,200/- has been deducted from his terminal benefits. Aggrieved against the order of the first respondent, the petitioner Union raised an Industrial Dispute in I.D. No.630 of 2003 on the file of the Principal Labour Court, Chennai, who has dismissed the I.D. raised by the petitioner Union. As against the dismissal order, the present writ petition has been filed.

3.A counter has been filed by the first respondent stating that after scrutinising the Disciplinary Proceedings, punishment was imposed against the said Deivasigamani and hence there is no violation of the principles of natural justice in imposing the punishment.

4.A perusal of the impugned order would show that that Labour Court after elaborate discussion has rightly dismissed the Industrial Dispute raised by the petitioner Union. Moreover, the petitioner Union is not an aggrieved person and that the said punishment imposed by the Disciplinary Authority has become final. Hence, I do not find any error or infirmity in the said impugned order.

5.Accordingly, this petition is dismissed. It is for the individual person to work out his remedy before the competent forum, if so aggrieved. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Management,
Tamil Nadu Electricity Board,
Min Pakirmaana Vattam,
Chengalpattu.

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

+1cc to M/S.P.R.Dhilipkumar, Advocate Sr.34623

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