



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.10.2018

CORAM:
THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition No.15926 of 2017

V.Babu

... Petitioner

Vs.

1. The Presiding Officer, Labour Court,
Salem 636 007
2. The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region, Sennimalai Road,
Erode 637 001

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records from the first respondent Labour Court relating to the award made in I.D.No.50 of 2014 dated 19.10.2016, quash the same and to direct the second respondent to reinstate the petitioner in service with continuity of service and back-wages and other attendant benefits and award costs.

For Petitioners : Mr. S.Ayyathurai

For Respondents : Mr. K.J.Sivakumar, for R-2

R1-Court.

O R D E R

The confirmation of the dismissal order passed by the Management in I.D.No.50 of 2014, by the Labour Court, is challenged in this writ petition by the petitioner.

Brief facts:-

2. The petitioner joined the service of the second respondent, as a Technical Assistant, during October 1986. The petitioner was issued a charge memo alleging unauthorized absence. The petitioner submitted his explanation denying charges. Subsequently, the petitioner was permitted to report for work from 10.11.2012 onwards. Thereafter, the Management conducted an enquiry and on the basis of the report of the enquiry, the Management passed the order dated 16.11.2013 dismissing the petitioner from service.

2.1. The petitioner raised a dispute regarding his dismissal from service and filed a petition in I.D.No.50 of 2014 before



the first respondent. After contest, the first respondent passed an award dated 19.10.2016 dismissing the claim of the petitioner. Challenging the same, the petitioner has filed the present writ petition.

WEB COPY

3. Heard the learned counsel appearing for both sides.

4. The learned counsel appearing for the workman submitted that the Labour Court has passed an award without any basis as both sides did not place any document and did not adduce any evidence. It is also pointed out that, without looking into the enquiry report, much comment has been passed by the Labour Court with regard to the merits and demerits of the enquiry report.

5. It is not the case of the Management that enquiry report was filed before the Labour Court.

6. Under such circumstances, the award passed by the Labour Court is set-aside and the matter is remitted back to the Labour Court. Both parties are directed to place all the relevant documents before the Labour Court within a period of two weeks from the date of remittance to the Labour Court. The Labour Court shall dispose of the matter, on the basis of evidence, within a period of next two months thereafter.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Presiding Officer, Labour Court,
Salem 636 007

2. The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region, Sennimalai Road,
Erode 637 001

+1cc to Mr.S.Ayyathurai, Advocate, S.R.No.69235

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.69294

Writ Petition No.15926 of 2017

SSI (CO)

rrs 09/10/2018