



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE Mrs. JUSTICE R.THARANI
W.A. (MD) No.424 of 2018
and
C.M.P. (MD) No.2514 of 2018

The Superintending Engineer,
Tamil Nadu Water Supply and Drainage Board,
MDT Circle,
K.Pudur, Madurai-7.

... Appellant/Petitioner

Vs.

1. Mathar Sikkanthar,

2. The Presiding Officer,
Labour Court,
Madurai.

... Respondents/ Respondents

PRAYER : The Appeal filed under Clause 15 of Letters Patent against the order passed in W.P.(MD) No.11614 of 2012 dated 20.03.2017.

Prayer in WP(MD). 11614/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari , in the nature of writ by calling the records relating to the proceedings of the 2nd Respondent made in I.D No. 101 of 2007 dated 27.03.2012 and quash the same.

For Appellant : Ms.Porkodi Karnan

For R1 : Mr.K.C.Ramalingam

R2-Labour Court

JUDGMENT

(Judgment of the Court was made by T.S.SIVAGNANAM,J.)

Heard the learned counsel on either side.



of 2012 dated 20.03.2017. The appellant filed the said writ petition challenging the award of the Labour Court, Madurai in I.D.No.101 of 2007, dated 27.03.2012.

3.The dispute raised by the 1st respondent herein, challenging his non-employment on the alleged ground that he unauthorisedly absented himself for the period of 18 years. The Labour Court, taking note of the nature of illness suffered by the workman as well as the delay on the part of the management in taking action against the workman for unauthorized absence, modified the punishment of dismissal from service, holding that the period from 02.07.1987 to till the date of retirement will not be taken into account for service and the workman will be deemed to have been discharged from service on 02.07.1987. The Labour Court has directed the appellant to disburse the benefits to the respondent / workman within a period of two months on the premise that the workman has been discharged from service on 02.07.1987.

4.The appellant challenging the correctness of the Labour Court decision, filed Writ Petition contented that there is no proof for the illness suffered by the workman and he unauthorisedly absented himself for more that 18 years and hence, he was not entitled for any relief.

5.The Writ Court, after took into consideration of the factual finding recorded by the Labour Court and also relied on a decision of a Division Bench of this Court in **Management of the Tamil Nadu State Transport Corporation, (Salem Division), Salem Vs. The Presiding Officer, Labour Court, Salem and another** reported in 2013 (4) LLJ 418, dismissed the Writ Petition.

6.We find no ground to interfere with the decision of the Writ Court. Accordingly, the Writ Appeal is dismissed. No costs. The appellant / Board is directed to disburse the benefits directly to the respondent / workman in terms of award passed by the Labour Court, within a period of eight weeks from the date of receipt of copy of this judgment. Consequently, connected C.M.P.is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Presiding Officer,
Labour Court,

<https://hcservices.ecourts.gov.in/hcservices/>

Madurai.



2. The Superintending Engineer,
Tamil Nadu Water Supply and Drainage Board,
MDT Circle,
K.Pudur,
Madurai-7.

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+1cc to M/s. Polax Legal Solutions, Sr.No.57194
+1cc to Mr.K.C.Ramalingam, Advocate Sr.No.56428

GNS

VB/SKN/RSK/SAR2/08/06/2018/3P/5C

W.A. (MD) No.424 of 2018
20.03.2018