



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A.(MD).No.57 of 2018
and
C.M.P.(MD)No.279 of 2018

The Management,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye Pass Road, Madurai. ... Appellant

Vs.

1.The Presiding Officer,
Labour Court, Madurai.
2.Muthu ... Respondents

PRAYER:This appeal is filed under Clause 15 of the Letters Patent,
to set aside the order on 09.02.2017 made in W.P.(MD)No.12903 of
2011.

Prayer in WP(MD). 12903/ 2011 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a WRIT OF
CERTIORARI, calling for the records in I.D.No.14/1993, dated 11-02-
2010 on the file of Labour Court, Madurai quash the same.

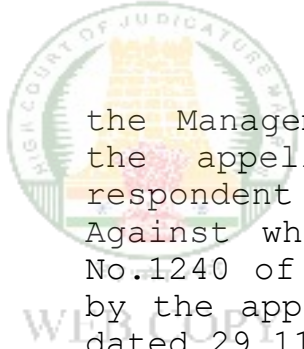
For Appellant : Mr.A.Jeyaram
For Respondent No.2 : Mr.K.Muthumalai

JUDGMENT

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

Heard Mr.A.Jeyaram learned counsel appearing for the
appellant and Mr.K.Muthumalai, learned counsel appearing for the
second respondent.

2.This appeal is directed against the order passed by the
learned Single Judge in W.P.(MD)No.12903 of 2011 dated 09.02.2017.
The appeal was filed by the appellant/Management challenging
the order passed by the Labour Court, Madurai in I.A.No.14 of 1993,
by which the Labour Court set aside the order of dismissal passed by



the Management against the second respondent workman and directed the appellant Transport Corporation to reinstate the second respondent with continuity of service and with full back wages. Against which, the appellant has filed writ petition in W.P.(MD) No.1240 of 1996 before this Court. The said writ petition was filed by the appellant, challenging the award passed by the Labour Court dated 29.11.1996 in I.D.No.14 of 1993.

3.This Court held that the punishment was excessive and set aside the award to the said extent and remanded the matter to the Labour Court for imposing lesser punishment. The case was taken on the file of the Labour Court, Madurai in I.D.No.14 of 1993, for retrial and by an order dated 11.02.2010, the Labour Court directed reinstatement of the second respondent in service by deducting the back wages for the period from 11.01.1993 till 31.05.2002 I.e. the date on which the second respondent workman retired from service. The said award was passed by the Labour Court after the matter was remanded by this Court in the earlier W.P.(MD)No.1240 of 1998 dated 16.12.2004. Thus to that extent, the order has become final and on remand, the Labour Court has passed the award imposing lesser punishment. The correctness of the same was tested by the Writ Court and after considering the factual matrix, the Writ Court held that there is no perversity on the part of the Labour Court and came to conclusion that the award does not call for any interference.

4.The settled legal position is that the Writ Court, while examining the correctness of the award of labour Court or Industrial Tribunal cannot act as the second appellate authority, over the factual finding recorded by the Labour Court/Industrial Tribunal. But it can consider the correctness of the award to the extent as to whether it suffers from perversity or illegality. The Writ Court found that the award was reasonable and dismissed the writ petition, against which this appeal has been filed by the appellant.

5.We do not find any good grounds for interfering with the order passed by the Writ Court. The appellant/Management is directed to comply with the direction issued by the Writ Court within a period of eight weeks from the date of receipt of copy of this order. Accordingly, the writ appeal fails and stands dismissed. No Costs. Consequently, C.M.P.(MD)No.279 of 2018 is also closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Management,

Tamil Nadu State Transport Corporation,

(Madurai) Limited, Bye Pass Road, Madurai.

2.The Presiding Officer, Labour Court, Madurai.

+One cc to M/s.K.Muthumalai, Advocate, SR.No.52668

mrn

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W.A.(MD).No.57 of 2018

01.03.2018