



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.243 of 2015

and

M.P (MD) No.1 of 2015

WEB COPY

1.The President,
Pavithram Panchayat,
Sengunthapuram Post,
Aravukurichi Taluk,
Karur District.

2.The Block Development Officer,
K.Paramathi Panchayat,
K.Paramathi Post,
Karur District.

3.The Assistant Director,
O/o The District Collector
Office Campus,
Karur District,
Karur.

.. Petitioners

Vs.

1.The Presiding Officer,
Labour Court,
Trichy.

2.C.Ramasamy

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned award passed by the first respondent, the Labour Court, Trichy made in I.D.No.89 of 2010 on 11.11.2014 quash the same.

For petitioner : Mr.N.Shanmugaselvam

For respondents : Mr.R.Subramanian for R2
R1 - Labour Court

ORDER

The second respondent was employed as Temporary Overhead Tank Operator in Pavithram Panchayat. An allegation was made that he was not discharging his duty properly. The Panchayat President, therefore, issued a notice to the second respondent asking him to offer his explanation in respect of the said complaint received from the public. The second respondent however, did not respond. Therefore, by communication dated 14.06.2010, he was dismissed from



service. The second respondent raised I.D.No.89 of 2010 before the Labour Court, Tiruchirappalli. The Labour Court, by award dated 11.11.2014, set aside the said order of dismissal and directed to reinstate the second respondent/workman with back-wages and continuity of service. The said award is under challenge in this writ petition.

2.Heard learned counsel appearing on either side.

3.It is seen that the second respondent herein was employed as Temporary Overhead Tank Operator. By order dated 14.06.2010, he was dismissed from service. But then such an order was not proceeded by any enquiry. Even a formal charge was not framed. It is true that the second respondent was a temporary employee. But then it is the duty of the Management to comply with the principles of natural justice before resorting to such a punishment. Therefore, the finding of the Labour Court that the order of dismissal is illegal is very much justifiable. The writ petitioner panchayat has acted in complete violation of principles of natural justice, while dismissing the second respondent herein. Therefore, the award passed by the Labour Court is valid and sustained. In all such cases, when the order of punishment is set aside on the ground of violation of principles of natural justice, the proper course of action to be adopted is to remit the matter to the file of the authority. In this case, the workman had crossed the age of superannuation. Therefore, no purpose will be served by holding a fresh enquiry. The award passed by the Labour Court is sustained.

4.The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

The Presiding Officer, Labour Court,
Trichy.

+1cc to M/S.R.Subramanian, Advocate SR.No.57090

+1cc to M/S.N.Shanmugaselvam, Advocate SR.No. 57479

ORDER MADE IN
W.P. (MD) No.243 of 2015
and
M.P (MD) No.1 of 2015
21.03.2018