



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.5381 of 2016

and W.M.P. (MD) No.4830 & 4831 of 2016

The Management through the General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Ltd,
Nagercoil Region,
Kanyakumari District. ... Petitioner

Vs.

1.The Presiding Officer,
The Labour Court,
Tirunelveli.

2.The Secretary,
Kamaraj Nadar Tholilalar Sangam,
Nagercoil Region,
C.S.Building Rubber Board Stope,
K.P.Road, Nagercoil,
Kanyakumari District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records from the 1st respondent Labour Court, Tirunelveli relating to the impugned award passed by it in I.D.No.75 of 2013 dated 30.06.2014 and quash the same.

For Petitioner : Mr.K.Sathya Singh
For R2 : Mr.R.Ramachandran
R1-Labour Court

ORDER

The Management of Tamil Nadu State Transport Corporation, Nagercoil is the writ petitioner herein.

2.Mr.Justinraj, the member of the second respondent Trade Union is employed as Driver in the petitioner / Corporation. His first review was postponed by two years. Questioning the same, the second respondent / Trade Union raised an industrial dispute and the matter was referred to the Labour Court, Tirunelveli in



I.D.75 of 2013. The Labour Court by award dated 30.06.2014 allowed the same. The said award is assailed in this Writ Petition.

3. Heard the learned counsel appearing for the Management.

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4. The Labour Court rightly came to the conclusion that the first review fell on 14.04.2006. In the petition filed in I.D.No.75 of 2013, it was specifically averred that during the review period of six years, no charge was framed against the said Justin Raj and no enquiry was conducted and that charge now fell within the second review period.

5. The Labour Court went through the entire materials on records and came to the conclusion that the charges now pressed by the Management pertained to the second review period. Therefore, in respect of the acts committed subsequent to 14.04.2006, the said Justin Raj could not have been deprived the benefits of the first review on 14.04.2006.

6. The reasons assigned by the Labour Court are certainly sound and justified. No case has been made out for interference. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

GNS

To

The Presiding Officer,
The Labour Court, Tirunelveli.

+1cc to Mr.K.Sathiya Singh, Advocate in SR.No. 55245

GJM/PMI/SAR-I-28.5.18-2p-3c

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