

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20577 of 2005

P. Sekar

...Petitioner

vs.

1. The Management of Pallavan,
Transport Corporation Limited,
Pallavan House,
Chennai-2.

2. The Management of Chennai,
Metro Transport Corporation Limited,
Chennai.

3. The Principal Labour Judge,
Principal Labour Court,
Chennai - 1.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to quash the order passed in I.D.No.534 of 1998 dated 28/03/2002 by a writ of Certiorari and Mandamus after calling for the records to call for the records of the proceedings of the third respondent in I.D.No.534 of 1998 dated 28.03.2002 and also direct the respondents to reinstate the petitioner in service with full back wages and attendant benefits.

For Petitioner : Mr. C. Sreedharan

For Respondents : Mr. V.R. Kamalanathan for R1 and R2
R3- Labour Court

O R D E R

The Award dated 28.03.2002 passed in I.D.No.534 of 1998 is under challenge in this present Writ Petition.

2. The writ petitioner workmen joined the services of the first respondent corporation as a driver on 26.06.1992 and the services were regularized on 05.10.1992.

3. The petitioner states that he was removed from service by order dated 15.02.1993 by the first respondent without any valid reason. The contention of the writ petitioner is that no enquiry was conducted and the mandatory provisions of Section 25 (F) of the Industrial Disputes Act was also not complied with, therefore the termination is to be declared as null and void. The petitioner raised an industrial dispute and the said dispute was dismissed by the Labour Court. Thus the present Writ Petition is filed.

4. Admittedly, the writ petitioner has reached the age of superannuation as he had already completed the age of 60 years.

5. This apart, the learned counsel for the respondent Corporation brought to the notice of this Court that the services of the writ petitioner for the post of driver was not regularized as he was engaged as a daily rated employee and as a temporary driver on need basis. Therefore no reason to be provided for terminating the services. The conditions of the service itself was made clear that it is a daily rated engagement whenever the works are not available he will be discharged from service.

6. The learned counsel for the respondent corporation made a submission that the petitioner was admittedly serving for about two months with the transport Corporation and he met with an accident during the relevant point of time. Thus the services were not regularized and therefore the Labour Court has rightly dismissed the dispute.

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7. In view of the fact that the writ petitioner was engaged as daily wage employee and he worked with the transport corporation for about two months and within two months, he met with an accident and subsequently he was terminated from service. This being the facts and circumstances, this Court is of the opinion that the findings of the Labour Court is in consonance with the legal principles and there is no infirmity

as such. Accordingly, the award dated 28.03.2002 passed in I.D.No.534 of 1998 is confirmed and the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Management of Pallavan,
Transport Corporation Limited,
Pallavan House,
Chennai-2.

2. The Management of Chennai,
Metro Transport Corporation Limited,
Chennai.

3. The Principal Labour Judge,
Principal Labour Court,
Chennai - 1.

+1cc to M/s.V.R.Kamalanathan, Advocate Sr.99847
+1cc to M/s.Manoj Sreevalsan, Advocate Sr.100237

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rr[co]
srg 09/01/2020

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