

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12-09-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.24678 OF 2005

C.Muthusamy

.. Petitioner

vs.

1. The Labour Court,  
Salem.

2. The Management,  
Tamil Nadu State Transport Corporation,  
(Salem Division 2) Ltd.,  
Bharathipuram,  
Dharmapuri-5.

.. Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the award of the first respondent dated 20.09.2004 in I.D. No.175 of 2001 and quash the same.

For Petitioner : Mr.M.Selvam

For Respondent No.1 : Labour Court

For Respondent No.2 : Mr.R.K.Gandhi

सत्यमेव जयते  
O R D E R

The Award of the first respondent dated 20.09.2004 passed in I.D.No.175 of 2001 is sought to be quashed in the present writ petition.

2. The writ petitioner was employed as a Driver in the second respondent-Transport Corporation on daily wage basis. The writ petitioner participated in the process of interview conducted by the second respondent-Transport Corporation on 24.02.1997 for appointment to the post of Driver and the case of the writ petitioner was considered and consequently, the writ petitioner was appointed as Driver on 11.05.1997. The service of the writ petitioner was also regularised on completion of his

probation period. The writ petitioner served in the second respondent-Transport Corporation for more than two years.

3. The second respondent-Transport Corporation issued a memo on 26.10.1998 with an allegation that the writ petitioner had produced a bogus educational certificate of VIII Standard at the time of joining duty. In this regard, the writ petitioner states that he was not appointed solely based on the said certificate and subsequently, the authorities competent sent the certificate for verification. The Chief Educational Officer submitted a report and based on that report, the writ petitioner was dismissed from service on 13.05.1999.

4. The writ petitioner raised an industrial dispute in I.D.No.175 of 2001 before the Labour Court, Salem. The writ petitioner states that in his Service Record, the name of the writ petitioner and his father's name have been rightly mentioned and the report of the District Educational Officer, Tirupathur dated 03.07.1998 marked as Ex.R-6 was related to one C.Muthusamy, S/o.Chiddu Goundar and not Chinnu Goundar. By stating so, the writ petitioner claims that the report of the Educational Authority is not at all applicable and it was a different one. However, by relying on the said report, the writ petitioner was dismissed from service.

5. The Award of the Labour Court reveals that the writ petitioner was called upon to attend the interview on 24.02.1997 and he participated in the interview and thereafter, he was appointed as Driver on 11.05.1997. The educational certificate submitted by the writ petitioner was sent for verification and the District Educational Officer submitted a report stating that the educational certificate produced by the writ petitioner was a bogus one. Subsequently, the writ petitioner was dismissed from service.

6. It is an admitted fact that appointment to the post of Driver, the requisite educational qualification is a pass in VIII Standard. By submitting the said certificate, the writ petitioner joined the duty as Driver. After joining duty, the second respondent-management sent the educational certificate of the writ petitioner to the concerned Chief Education Officer for verification. On verification, it was found that the certificate produced by the writ petitioner was a bogus one. Consequently, the writ petitioner was issued with a charge memo.

7. The writ petitioner submitted his explanation and thereafter, the writ petitioner was dismissed from service by invoking Clause 9 of the Trainee Appointment Order, by order dated 18.05.1999. Thereafter, the writ petitioner raised a dispute before the Labour Officer, Krishnagiri and in view of

the fact that there was no settlement, the dispute was raised. Since the writ petitioner made an allegation, no enquiry was conducted before termination. The respondent-management expressed their willingness to prove the charges against the writ petitioner. Thus, on behalf of the writ petitioner, one Mr.Muthusamy was examined as PW-1 and Exs.P-1 to P-5 were marked. On behalf of the second respondent-Transport Corporation, one Mr.Jagadeesan was examined as RW-1, one Mr.Madhalaimuthu was examined as RW-2 and Mr.Devarajan was examined as RW-3 and Exs.R-1 to R-24 were marked.

8. PW-1 in his evidence had stated that the writ petitioner had produced a genuine educational certificate and he had not produced any such bogus certificate. RW-1 Mr.Jagadeesan, who is the Senior Superintendent of the respondent-Transport Corporation, had stated that he was working as an Assistant in the second respondent-Transport Corporation. He had stated about Exs.R-16 to R-19. RW-3 was working as Assistant Headmaster in the Natgtrampalli Higher Secondary School. He had stated about Ex.R-22.

9. According to RW-3, Ex.R-22 was not issued by the Nattrampalli Higher Secondary School. Ex.P-1 is the appointment order issued by the second respondent-Transport Corporation. Ex.P-1 states that the writ petitioner was appointed on daily wage basis. The other documents of the writ petitioner were the xerox copies of the payslips. Ex.R-9 was the report submitted by the Chief Educational Officer, Vellore. He had stated in his report that the educational certificate bearing Admission So.6097 and transfer certificate No.99/03 were a bogus one. Ex.R-12 was he xerox copy of the educational certificate alleged to have been submitted by the writ petitioner at the time of joining duty. The District Educational Officer, Thiruppathur had submitted a report by stating that the certificate No.99/83-84 does not contain the signature of the master and the signature found in the certificate was a false one. The writ petitioner had not produced any evidence to nullify the above documents.

10. The Labour Court also found that when the report of the competent educational authority revealed that the educational certificate produced by the writ petitioner was a bogus one, no further verification or enquiry is required. The Labour Court examined the witnesses as well as the documents and the writ petitioner had already been given sufficient opportunity to establish his innocence even before the Labour Court concerned.

11. Under those circumstances, this Court is of the opinion that if a prima facie allegation of submission of bogus certificate is established both before the authorities concerned and as well as before the Labour Court and the High Court at

this stage need not go further for the purpose of conducting another enquiry.

12. The case on hand reveals that the authorities of the second respondent-Transport Corporation themselves verified the genuinity of the educational certificate produced by the writ petitioner and found that the same was bogus. The Labour Court also conducted an enquiry, witnesses were examined and cross-examined. All the relevant documents were marked. The RW-3, who was working as an Assistant Headmaster in Nattrampalli High School was examined and based on the evidence as well as the documents submitted, the Labour Court came to the conclusion that the certificate produced by the writ petitioner at the time of joining duty was a bogus one.

13. This being the factum, there is no point in remanding the matter back to the Labour Court, Salem for conducting re-enquiry or otherwise. The ground raised by the writ petitioner that no enquiry was conducted by the competent authority became non-existent and this Court, in this writ petition, need not go for the purpose of conducting a de nova enquiry. A perusal of the Labour Court Award reveals that the allegation of producing bogus educational certificate by the writ petitioner was established beyond reasonable doubts and accordingly, the Labour Court has found that the writ petitioner is not entitled for any relief.

14. Under these circumstances, this Court do not find any further ground or an acceptable reason to interfere with the award of the Labour Court. Accordingly, the award of the Labour Court, Salem dated 20.09.2004 passed in I.D. No.175 of 2001 is confirmed and the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

सत्यमेव जयते  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Labour Court,  
Salem.

2. The Management,  
Tamil Nadu State Transport Corporation,  
(Salem Division 2) Ltd.,  
Bharathipuram,  
Dharmapuri-5.

+1cc to Mr.R.K.Gandhi, Advocate, S.R.No.78610  
+1cc to Mr.M.Selvam, Advocate, S.R.No.78848

W.P.No.24678 of 2005

MG (CO)  
CS/24/10/2019



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