



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.20394 of 2019

and

W.M.P(MD)No.17025 of 2019

WEB COPY

The Management,
Tamil Nadu State Transport Corporation
(Kumbakonam Division II) Limited,
Periyamilaguparai,
Tiruchirappalli.

... Petitioner

vs.

1.M.Thangammal
2.Revathi
3.Chandramohan
4.Kavitha
5.Kamalanathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the award passed by the Presiding Officer, Labour Court, Tiruchirappalli, dated 31.10.2013 in I.D.No.119 of 1999, quash the same and further direct the Labour Court to consider and pass orders in the above I.D.No.119 of 1999 on merits and in accordance with law.

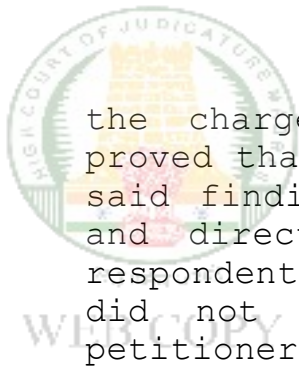
For Petitioner : Mr.D.Sivaraman

ORDER

The petitioner has challenged the award of the Labour Court, dated 31.10.2013 made in I.D.No.119 of 1999.

2.The respondents are legal heirs of one Manivel, who worked as Conductor in the petitioner / Transport Corporation (hereinafter referred to as worker). The petitioner has issued a charge-memo, dated 21.10.1998, to the worker, alleging misappropriation of funds. The worker submitted his explanation on 09.11.1998. Not being satisfied with the explanation submitted by the worker, the petitioner ordered domestic enquiry and based on the report of the Enquiry Officer, wherein, it is stated that charges levelled against the worker are proved, the petitioner has dismissed the worker. The worker has raised an Industrial Dispute in I.D.No.119 of 1999 before the Labour Court, Tiruchirappalli. Pending the said I.D, the worker died. Hence, the respondents were brought on record as legal heirs of the said worker.

3.The Labour Court, after considering the pleadings, oral and documentary evidences, held that the petitioner failed to prove



the charges levelled against the worker, but the respondents proved that the worker did not commit any misconduct. Based on the said finding, the Labour Court set aside the order of dismissal and directed the petitioner to pay terminal benefits to the respondents, as if the worker was in service till his death and did not grant any backwages. Against the said award, the petitioner has come out with the present Writ Petition.

4.The learned counsel appearing for the petitioner submitted that the Labour Court, Tiruchirappalli, has failed to properly appreciate the oral and documentary evidences let in by the petitioner; that the Labour Court erroneously relied on the letter written by the husband of the passenger; and that the Labour Court failed to consider the past record of the worker and 57 earlier punishments, including order of dismissal of the worker and the order of the Labour Court is proportionate to the proven of charges and therefore, the learned counsel prayed for setting aside the award of the Labour Court.

5.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6.From the perusal of the records, it is seen that the Labour Court passed a preliminary award on 20.09.2004, holding that the domestic enquiry conducted by the petitioner was not fair and proper and gave an opportunity to the petitioner to let in evidence to prove the charges levelled against the worker. In spite of the said preliminary award, the petitioner has not let in any acceptable evidence both oral and documentary to prove the charges levelled against the worker. The Labour Court, Tiruchirappalli, considered all the charges levelled against the worker and has given a cogent and valid reasons for setting aside the award of the Labour Court and there is no error in the award of the Labour Court.

7.For the above stated reasons, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



Ps

TO

The Presiding Officer,
Labour Court,
Trichirappalli

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-88623[F] dated
23/09/2019)

W.P (MD) No.20394 of 2019
23.09.2019

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