

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.2516 of 2011

and

M.P.No.1 of 2011

The Management

Tamil Nadu State Transport Corporation

(Villupuram) Ltd., Vellore Region

Rangapuram, Vellore - 632 009.

Rep. by its General Manager.

...Petitioner

vs.

1.The Presiding Officer

Principal Labour court

Vellore District, Vellore.

2.Five Men Committee

Tamil Nadu State Transport Corporation Employees

Villupuram Division-II,

Vellore - 632 009.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in I.D.No.241/2009 on the file of the Principal Labour Court, Vellore District, Vellore and quash the same.

For Petitioner : Mr.C.S.K.Sathish

For Respondent : Mr.S.T.Varadharajulu

for R2

R1 - Court

O R D E R

This writ petition is filed by the Tamil Nadu State Transport Corporation/Management challenging the award of the Labour Court dated 14.10.2010 passed in I.D.No.241 of 2009 in directing the petitioner-Management to reinstate the employees of the second respondent-Union in the post of Load men or any other posts with further declaration that those employees are not entitled to claim permanency in service and other service benefits.

2. Heard both sides.

3. It is seen that the Government of Tamil Nadu through G.O.(D).No.672 dated 11.12.2009 made a reference to the Labour Court by raising an issue as to whether 11 named workmen therein are entitled for permanency and other monetary benefits as claimed by the Union. Based on the said reference, the Labour Court had taken up the matter as an industrial dispute and after hearing both parties, passed the award as stated supra. It is further seen that on the side of the Workmen therein, 6 documents were marked and one witness was examined and on the side of the Management, 1 document was marked and one witness was examined. The Labour Court, after discussing the merits of the matter, found that the employees/Workmen of the second respondent-Union were not entitled to claim permanency in service. After observing so, the Labour Court has directed the petitioner/Management to reinstate those Workmen to the post of Load men. It is not known as to how the Labour Court has passed such contradictory orders without confining its exercise with regard to the issue referred to before it. The documents filed by both sides did not project their case in any manner.

4. When such being the position, it is not known as to why the Labour Court has directed the petitioner-Management to reinstate the Workmen/employees of the second respondent-Union, having found that those employees are not entitled to claim any permanency. Therefore, I find that the Labour Court has not properly adverted to the issue referred to for its adjudication and decided the matter accordingly. Thus, this Court is of the view that the matter needs to go back to the Labour Court for passing fresh orders on merits and in accordance with law, after giving due opportunity of hearing to both parties.

5. Accordingly, this Writ Petition is allowed and the award of the Labour Court is set aside. Consequently, the matter is remitted back to the Labour Court for passing fresh orders, after giving due opportunity of hearing to both parties and also permitting them to adduce further evidence, if any, both oral and documentary. The Labour Court will pass fresh award, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.S.III)

/True copy/

Sub Assistant Registrar

To

1.The Presiding Officer
Principal Labour court
Vellore District, Vellore.

2.Five Men Committee
Tamil Nadu State Transport Corporation Employees
Villupuram Division-II,
Vellore - 632 009.

+1 cc to M/s.C.S.K.Sathish,Advocate Sr.No.13233

+1 cc to M/s.S.T.Varadarajulu,Advocate Sr.No. 13327

AKM/11.03.2020/3P-5C /

W.P.No.2516 of 2011



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