

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.NO.1102 OF 2021
AND
C.M.P.NO.6953 OF 2021

The Management,
Tamil Nadu State Transport Corporation,
(Kumbakonam Division I) Limited,
Kumbakonam.

.. Appellant

Vs

1. R.Vedharathinam
2. The Presiding Officer,
Labour Court, Cuddalore.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 03.01.2020 passed in W.P.No.38357 of 2015.

W.P.No.38357 of 2015:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the 1st Respondent in ID.No.138 of 2003, dated 23.01.2014 as illegal.

For Appellant : Mr.D.Venkatachalam

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JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

This writ appeal is directed against the order dated 03.01.2020 passed in W.P.No.38357 of 2015.

2. The appellant is the Management and the first respondent raised a dispute against the order of dismissal passed by the appellant before the Labour Court. The Labour Court directed the

appellant to grant continuity of service with backwages along with monetary benefit from the date of dismissal till the date of retirement. The retiral benefits were also directed to be paid.

3. The appellant laid a challenge before the learned Single Judge. The learned Single Judge, though did not interfere with the factual finding, held that the claim of backwages required to be interfered with accordingly, the following order has been passed:

"12. Accordingly, this Writ Petition is disposed of, as follows:

(a) The award of the Labour Court is modified only to the extent that the first respondent herein is entitled to only 50% of backwages.

(b) Since continuity of service is awarded by the Labour Court, which is not interfered by this Court, the petitioner-Management shall pay the employer's contribution for the purpose of computation of pension in respect of the entire service period, notwithstanding the fact that this Court has directed to pay only 50% of backwages.

(c) In all other respects, the award of the Labour Court is sustained.

(d) The petitioner-Management shall comply with the award passed by the Labour Court, as modified by this Court, as referred supra, within a period of eight weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed."

4. Learned counsel appearing for the appellant submitted that the management has failed to consider the evidence in its right perspective. On perusal, we find that the Labour Court did consider the evidence. Not only that, the learned single Judge has passed a speaking order and held that the Labour Court was justified in holding that the appellant did not prove Charge No.2. It was also held while confirming the finding of the Labour Court that even Charge No.2 has not been proved.

5. It is trite that while exercising the power under Article 226 or 227 of the Constitution of India, the High Court is concerned with the decision making process and, therefore, not expected to re-appraise the evidence available on record in the event of any perversity. The Labour Court considered the materials available on record and so also the learned Single Judge.

6. In such view of the matter, we do not find any reason to interfere with the order of the learned Single Judge. Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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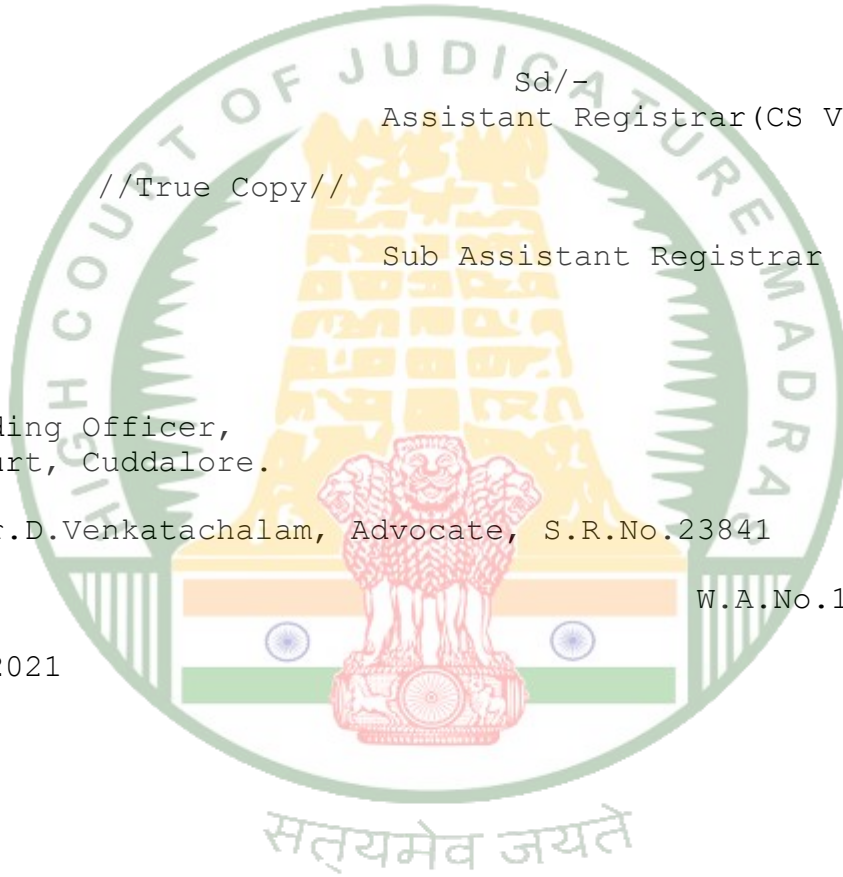
To

The Presiding Officer,
Labour Court, Cuddalore.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.23841

GSM(CO)
CS/29/06/2021

W.A.No.1102 of 2021



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