



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.08.2021

PRONOUNCED ON : 20.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33092 of 2005
and
W.M.P.No.36043 of 2005

The Superintending Engineer,
Purchase & Administration,
Mettur Thermal Power Station,
Mettur Dam-636 406.

... Petitioner

Vs.

1.The Secretary,
C.I.T.U./C.I.T.U. Office,
Rajaganapathy Nagar,
Mettur Dam-1.

2.The Presiding Officer,
Labour Court,
Salem.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the second respondent Labour Court relating to its order dated 02.03.2005 passed in I.D.No.386 of 2003 and to quash the same as illegal and without jurisdiction.

For Petitioner : Mr.P.Subramanian
Standing Counsel

For Respondent :Mrs.V.Porkodi
No.1 for Mr.V.Ajoy Khose
R2 : Court

O R D E R

The present Writ Petition is heard through Video Conferencing on 10.08.2021.

2. The petitioner Management is aggrieved against the Award of the Labour Court, dated 02.03.2005, in which it was held that the extension of the monetary benefits with effect from



19.04.2001 consequent to the grant of selection grade with effect from 30.09.2000, to one of its workman/member of the first respondent herein, is illegal.

3. The Writ Petition was filed in the year 2005. Thereafter, the Hon'ble Full Bench of this Court in the case of 1.The Deputy Inspector General of Police, Thanjavur Range Thanjavur and 2.The Director General of Police Tamil Nadu, Chennai Vs. V.Rani reported in 2011 (3) CTC 129 [FB], had held that the embargo put on the right of the Government Servants for being considered for promotion for a further period after the period of minor punishment is over, in the name of "Check Period" namely, one year in the case of Censure, is illegal and impermissible under the Statutory Rules.

4. The petitioner Management had postponed the monetary benefits to one of the workman/member of the first respondent by one year since their regulations prescribed a check period to such an employee, who had earlier undergone the punishment of Censure. In view of the aforesaid decision of the Hon'ble Full Bench, such postponement of monetary benefits for one year is illegal.

5. Thus, I do not find any infirmity in the reasoning adopted by the Labour Court in the impugned Award, which reasoning was also later ratified by the Hon'ble Full Bench in V.Rani's case (supra). Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no orders as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

DP
To

The Presiding Officer,
Labour Court, Salem.

+1cc to Mr.P.Subramanian, Advocate Sr.53838
+1cc to Mr.V.Ajoy Khose, Advocate Sr.53594

W.P.No.33092 of 2005
and
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pch[co]
srg 02/11/2021