



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.10096 of 2013

T.Selvaraj

... Petitioners

vs.

1.The Labour Court,
Tirunelveli.

2.The Management,
Tuticorin Thermal Power Corporation,
Tuticorin.

3.Sundarapandian,
Propreitor,
Subha Constructions,
33B, Perumalpuram,
1st Street, Tuticorin.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of first respondent in I.D.No.113 of 2007, dated 11.12.2012, to quash the same and consequently to direct the second respondent to reinstate the petitioner with back wages and continuity of service.

For Petitioner	: Mr.M.Ganesan for Mr.N.Sundareshan
For R1	: Labour Court
For R2	: M/s.P.Malini for Mr.T.S.Gopalan &CO.,
For R3	: No appearance *****

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed in I.D.No.113 of 2007, dated 11.12.2012 and consequently to direct the second respondent to reinstate the petitioner with back wages and continuity of service.

2.The petitioner joined the second respondent as Traffic Signal Man cum Security Guard on 05.07.1994. The third respondent is one among several contractors engaged by the second respondent.



On 13.11.1996, the second respondent management issued a show cause notice alleging that the petitioner was sleeping while he was on duty at 02:40AM. The petitioner submitted an explanation on 06.12.1996. The respondents without conducting any enquiry suddenly dismissed the petitioner from service from 02.01.1997 onwards and the petitioner filed an industrial dispute in I.D.No.113 of 2007 on 06.09.2007. The Labour Court has dismissed the petition, vide order, dated 11.12.2012. Aggrieved over the same, the present Writ Petition is filed in the year 2013. The respondents have filed a counter affidavit stating various grounds.

3.Heard Mr.M.Ganesan, learned Counsel appearing for the petitioner and M/s.P.Malini, learned Counsel appearing for the second respondent.

4.As rightly pointed out by the respondents in the counter affidavit that the petitioner has raised a conciliation after two and half years and raised an industrial dispute after seven years and ten months. Moreover, the petitioner is not a permanent employee and it is also seen from the counter affidavit that the petitioner's wife is one of the contractors. The petitioner is aged above 52 years at the time of filing the Writ Petition.

5.Taking all these facts and circumstances into consideration, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

To

The Labour Court,
Tirunelveli.

Copy to

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.S.GOPALAN, Advocate (SR-39343[F] dated 17/12/2021)

W.P. (MD)No.10096 of 2013

17.12.2021