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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)Nos.1405 to 1407 of 2015

and

M.P(MD)Nos.2, 1 & 1 of 2015

W.A(MD)No.1405 of 2015:-

The Management,
Tamil Nadu State Transport Corporation,
Karaikudi, Sivagangai District. ... Appellant/Petitioner

Vs.

1.K.Rajendran ... 1st Respondent/1st Respondent

2.The Presiding Officer,
Labour Court,
Madurai. ... 2nd Respondent/2nd Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 26.04.2013 made in W.P(MD)No.12055 of 2009 on the file of this Court.

Prayer in WP(MD). 12055/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, call for the records pertaining to the order passed by the Labour court, Madurai in I.d.No. 540 of 1991 dated 18/09/2008 and quash the same.

For Appellant : Mr.D.Sivaraman

For Respondent : Mr.S.Dheenadhayalan for R1

: R2-Court

W.A(MD)No.1406 of 2015:-

The Management,
Rep. by its General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi. ... Appellant/Petitioner

Vs.

1. B. Madhusuthanan ... 1st Respondent/1st Respondent



2.The Presiding Officer,
Labour Court,
Madurai.

... 2nd Respondent/2nd Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 26.04.2013 made in W.P(MD)No.12103 of 2009 on the file of this Court.

Prayer in WP(MD). 12103/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ Order or direction in the nature of Writ of Certiorari all thereby call for the Records, pertaining to the order passed by the Labour Court, Madurai in I.D No.127 of 1995 dated 18.09.2008 and quash the same as illegal and invalid.

For Appellant : Mr.D.Sivaraman

For R - 1 : Mr.S.Deenadhayalan
R-2 : Court

3.W.A(MD)No.1407 of 2015:-

The Management,
Tamil Nadu State Transport Corporation,
Karaikudi,
Sivagangai District.

... Appellant/Petitioner

Vs.

1.A.Abdul Samadu ... 1st Respondent/1st Respondent

2.The Presiding Officer,
Labour Court,
Madurai.

... 2nd Respondent/2nd Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 26.04.2013 made in W.P(MD)No.12104 of 2009 on the file of this Court.

Prayer in WP(MD). 12104/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, call for the records pertaining to the order passed by the Labour court, Madurai, in I.D.No. 505 of 1991 dated 18/09/2008 and quash the same as illegal and invalid .

<https://hcservices.ecourts.gov.in/hcse/ajcas/> For Appellant : Mr.D.Sivaraman



For R - 1 : Mr.P.Ganapathi Subramanian
R-2 : Court

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COMMON JUDGMENT
(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)

These Writ Appeals were directed against the order, dated 26.04.2013 passed in W.P(MD)Nos.12055, 12103 and 12104 of 2009 respectively.

2.A batch of Writ Petitions were dismissed on 26.04.2013, which were preferred by the workmen as well as the Management against the award, dated 18.09.2008 passed in I.D.Nos.126 of 1995 and etc. Aggrieved by the dismissal of the said Writ Petitions, the Management preferred these Writ Appeals.

3.The Writ Appeal in W.A(MD)No.225 of 2015 was considered by the Division Bench of this Court on 07.09.2016 (The Management, Rep. by its General Manager, Tamil Nadu State Transport Corporation Limited, Karaikudi Vs. M.Iqbal and another) and passed the following order:-

"3.This Court, on going through the enquiry report, especially page No.10, is of the view that except stating that the first respondent was in-charge of the concerned office between 09.01.1988 and 04.06.1988, the Enquiry Officer has not given any specific finding as to the delinquency on the part of the first respondent.

4.The learned Single Judge, while dismissing the Writ Petition, has taken note of the legal position with regard to the appreciation of findings rendered by the Labour Court and ultimately dismissed the Writ Petition and upheld the Award passed by the second respondent.

5.The findings rendered by the Labour Court as well as by the Single Bench of this Court, insofar as the first respondent is concerned, are concurrent findings. This Court, in exercise of its jurisdiction under Clause 15 of Letters Patent, cannot go into the legality of the factual findings rendered by the Labour Court as confirmed by the Single Bench of this Court.

6.The learned counsel appearing for the first respondent would submit that simultaneously criminal prosecution was also launched against the first respondent and the said criminal proceedings were quashed by this Court vide order, dated 30.06.2015 in



filed for recovery of loss is also pending.

7.In the light of the facts and circumstances coupled with the reasons assigned therein, this Court is of the considered view that the Writ Appeal deserves for dismissal.

8.In the result, the Writ Appeal is dismissed confirming the order dated 26.04.2013, passed in W.P (MD)No.12105 of 2009. Consequently, connected Miscellaneous Petition is closed. No costs."

4.As it is stated that in all the cases, the facts are identical and already several Writ Appeals were dismissed as against the Management/appellant, these Writ Appeals also deserve to be dismissed on the same lines. Accordingly, these Writ Appeals are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

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/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Management,
Tamil Nadu State Transport Corporation,
Karaikudi, Sivagangai District.

2.The Presiding Officer,
Labour Court, Madurai.

+1 cc to Mr.S.DEENADHAYALAN ,Advocate, SR No.4106

+1 cc to Mr.D.SIVARAMAN ,Advocate, SR No.4047

+1 cc to Mr.P.GANAPATHI SUBRAMANIAN ,Advocate, SR No.3863

W.A(MD)Nos.1405 to 1407 of 2015
08.02.2021

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