



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10980 of 2012

1. The Joint Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

...Petitioners

-Vs-

1. Thiru.L.Gowarthanan

2. The Presiding Officer,
III Additional Labour Court,
City Civil Court Building,
High Court Compound,
Chennai - 600 104.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to the Award dated 31.10.2011 made in I.D.No.397 of 2009 on the file of the 2nd respondent herein and quash the same.

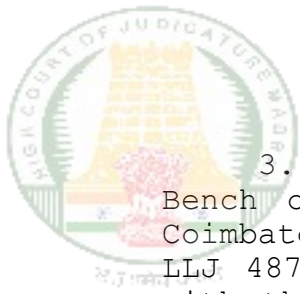
For Petitioners : Mr.M.Chidambaram

For R1 : Mr.V.Balamurugan

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. In service jurisprudence, one of the basic principles is that a major punishment cannot be imposed without a departmental action. In the instant case, the first respondent was removed from services, without conducting a departmental enquiry, on the ground that he was an habitual offender. Such a punishment, without conducting an enquiry, is unjustifiable in the eyes of law.



3. This ratio has been ratified by an Hon'ble Division Bench of this Court in the case of District Manager, TASMAL, Coimbatore Region, Erode Vs. S.Velliyangiri reported in 2009 IV LLJ 487 (Mad). As such, I do not find any reason to interfere with the Award of the Labour Court, which directs reinstatement of the first respondent, together with 50% of back wages.

4. At this juncture, the learned counsel for the petitioners fairly submitted that since the enquiry was not conducted, they are willing to reinstate the first respondent back into service.

5. In the result, the Writ Petition stands dismissed. Consequently, the petitioner Corporation shall pass appropriate orders, reinstating the first respondent back into service, within a period of two (2) weeks from the date of receipt of a copy of this order. The petitioner Corporation shall also pass orders for disbursement of 50% of the back wages, as ordered by the Labour Court in I.D.No.397 of 2009, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Presiding Officer,
III Additional Labour Court, City Civil Court Building,
High Court Compound, Chennai - 600 104.
2. The Joint Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai, Chennai - 600 002.
3. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai, Chennai - 600 002.

+1cc to Mr.M.Chidambaram, Advocate SR. No.10322
+1cc to Mr.K.Malaikannu, Advocate SR. No. 10342

W.P.No.10980 of 2012

MT (CO)
PR (08/03/2022)