



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.15365 of 2013

R.Dhanagopal

...Petitioner

-Vs-

1. The Presiding Officer,
III Additional Labour Court,
Chennai - 104.

2. The Management of Metropolitan
Transport Corporation (Chennai) Ltd.,
Anna Salai, Chennai - 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Award dated 15.12.2010 of the 1st respondent passed in I.D.No.21 of 2009, quash the same and consequently direct the 2nd respondent to reinstate the petitioner with continuity of service, back wages and other attendant benefits.

For Petitioner : Mr.S.T.Varadarajulu

For R2 : Mr.K.Murthy

R1 : Labour Court, Chennai.

ORDER

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

2. On the ground that the petitioner herein had not completed 240 days of continuous service in 12 calendar months, the Labour Court had dismissed the petitioner's Industrial Dispute, through the impugned Award dated 15.12.2010.

3. The only ground raised by the petitioner in the present writ petition is that he had put in 97 days of service on daily



wage basis, which the Labour Court has not taken into account and had that days been counted, he would have qualified for 240 days.

4. This factual aspect requires to be established when the dispute was raised by the petitioner, by letting in evidences in support of the same. Having failed to do so in the Industrial Dispute, it is not now open to the petitioner to bring in these grounds in a writ petition. Such factual aspects cannot be gone into by this Court exercising its powers under Article 226 of the Constitution of India. As such, I do not find any reason to interfere with the impugned Award.

5. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Presiding Officer,
III Additional Labour Court,
Chennai - 104.
2. The Management of Metropolitan
Transport Corporation (Chennai) Ltd.,
Anna Salai, Chennai - 600 002.

+1cc to Mr.K.Murthy, Advocate, S.R.No.17543

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.16797

W.P.No.15365 of 2013

PMK[co]
NSK 25/03/2022