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W.P.Nos.39692 of 2004 &
151 & 3787 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

**W.P.Nos.39692 of 2004 & 151 & 3787 of 2005
and W.M.P.Nos.12953 & 12223 of 2005**

The Management of Tamil Nadu
State Transport Corporation,
(Coimbatore) Ltd.,
Erode Region, Erode 638 001

... Petitioner in all
writ petitions

Vs.

1) R.Gunasekaran

... 1st Respondent in
W.P.No.39692 of 2004

2) S.Anbazzhagan

... 1st Respondent in
W.P.No.151 of 2005

3) V.Amirthavasagam

... 1st Respondent in
W.P.No.3787 of 2005

4) The Presiding Officer,
Labour Court, Salem

... 2nd Respondent in all
Writ petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari to call for the records of



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the second respondent made in I.D.Nos.200, 201 & 204/97 dated 10.07.2003
and quash the same.

In all writ petitions:

For Petitioners : Mr.V.Murli Vinodh
For 1st Respondent : Mr.V.Ajoy Khose

R2 -Court

COMMON ORDER

These writ petitions are filed seeking to quash the Award made in I.D.Nos.200, 201 & 204/97 dated 10.07.2003. Since the issue involved in all these writ petitions are one and the same, they are disposed of by this common order.

2. Aggrieved against the dismissal order passed by the petitioner Corporation, dated 04.09.1990, the 1st respondent in all the writ petitions have raised industrial disputes in I.D.Nos.200, 201 & 204/97 before the Labour Court, Salem and the said Labour Court, by an Award dated 10.07.2003 directed reinstatement of the first respondent without backwages, continuity of service and other benefits. Aggrieved against the said Award, the petitioner Management has filed the present writ petitions.



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3. At the time of admission of the above writ petitions, this Court had granted interim stay with a condition to pay 17(b) wages to the workmen. Thereafter, the interim stay was made absolute.

4. When the matter was taken up for final disposal today, it is represented by the learned counsel appearing for the petitioner Management that they are complying with the conditional order of this Court, dated 21.04.2006 till date.

5. The charges leveled against the workmen is that they have given forged educational certificates and have obtained employment in the Management, for which act, after giving sufficient opportunity, the workmen were removed from services by the petitioner Management. The learned counsel for the petitioner Management submitted that the Labour Court, ought not not have interfered with the same for the reason that the workmen have committed grave misconduct. It is further submitted that the punishment of dismissal from service is proportionate one.

6. Mr.V.Ajoy Khose, learned Senior Counsel appearing for the first



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respondent/workmen submitted that the Labour Court, considering the experience of the workmen as a driver coupled with the fact that except the said misconduct, there is no other punishment, has observed that it is not fair on the part of the Management to remove the first respondent/workmen from service and granted the relief of reinstatement, which does not warrant interference.

7. Heard the learned counsel on either side and perused the documents available on record.

8. It is seen that the Labour Court, taking note of the experience rendered by the employees and on a finding that the educational certificate is not a main criteria for the workmen in this case, interfered with the punishment of dismissal from service and passed an Award of reinstatement.

9. The learned Judge pointed out that for similar charges leveled against one Radhakrishnan and Thirumalaisamy, whose dispute has come before the Labour Court, the Court decided to reinstate the said employees



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into service. Further the learned Judge, on perusal of records, particularly, 18(1) Settlement, found that, the employees involved in such offences could be reinstated into service. It is not the stand of the Management that the driving licenses produced by the workmen are a bogus one. The employees are working in the Management after thorough training and there are no report of accident caused by the said workmen. The learned Judge, thus found that, the punishment of dismissal from service is not proportionate to the charges leveled against them and as such, in view of the Settlement under 18(1) and considering the family circumstances of the said workmen, had ordered reinstatement.

10. The findings of the Labour Court are in accordance with law and no interference is required. I do not find any reason to disturb the findings of the Labour Court.

11. Considering the aforesaid, I find no illegality in the impugned order and I do not find any reason to interfere with the Award passed by the Labour

J.NISHA BANU, J.,



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Court. Consequently, the petitioner Management shall implement the impugned Award, within a period of six weeks from the date of receipt of a copy of this order.

12. Accordingly, the Writ Petitions are dismissed, confirming the Award passed by the Labour Court, dated 10.07.2003. Consequently, connected miscellaneous petitions are closed. No costs.

29.11.2022

Internet : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes /No
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To:
The Presiding Officer,
Labour Court, Salem

Common Order made in
**W.P.Nos.39692 of 2004
& 151 & 3787 of 2005**