



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	19.04.2022
Pronounced on	25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.1268 of 2014
and
M.P.No.1 of 2014

The Management,
Tamil Nadu State Transport Corporation
Villupuram Ltd.,
Villupuram Region,
Villupuram.

... Petitioner

Vs.

1.C. Parasuraman

2.The Presiding Officer,
Labour Court,
Cuddalore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorari, calling for the records relating to the impugned Award dated 19.09.2011 made in I.D.No.8 of 2008 by the second respondent and to quash the same.

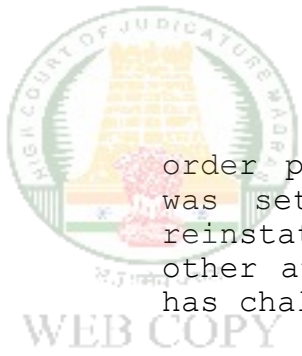
For Petitioner : Mr.G.Saravanakumar

For Respondent-1: No Appearance

O R D E R

Heard Mr.G.Saravanakumar, learned Standing Counsel appearing on behalf of the petitioner/Management Corporation.

2. The first respondent herein had joined the services of the petitioner's Corporation on 27.02.1997 as a Conductor. On 29.12.2000, he was dismissed from service without enquiry, stating that his performance was not satisfactory. The conciliation proceedings initiated by the first respondent ended in failure and in the Industrial Dispute in I.D. No.8 of 2008 filed by him before the Labour Court, Cuddalore, the dismissal



order passed by the petitioner/ Management Corporation herein, was set aside and the first respondent was directed to be reinstated without any continuity of service, back wages and other attendant benefits. The petitioner/Management Corporation has challenged this Award in the present Writ Petition.

3. The main ground raised in this present Writ Petition is that, the first respondent has not worked continuously for 240 days in a calendar year and therefore, he is not entitled for reinstatement.

4. Though the name of the first respondent is printed in the cause list today, none appears on his behalf.

5. The Labour Court had dealt with the objections of the Management Corporation in the Award by stating that their claim that the first respondent had not worked continuously for 240 days in a calendar year has not been substantiated by any documentary evidence and thereby rejected such an objection. Admittedly, no documents were produced by the Management Corporation before the Labour Court, Cuddalore to substantiate their claim and therefore, this Court by exercising its powers under Article 226 of the Constitution of India, will not be justified in re-appreciating the factual claim of the Management Corporation with regard to the first respondent's services. As I do not find any infirmity in the impugned Award passed by the Labour Court, Cuddalore in I.D. No.8 of 2008 dated 19.09.2011, the Writ Petition is liable to be dismissed.

6. At this juncture, it is brought to the notice of this Court that after the Award was passed, the first respondent was reinstated back into service by the petitioner/Management Corporation and he had also retired on 20.01.2021. Since the first respondent had not challenged the Award with regard to the denial of back wages and other attendant benefits, no effective orders can be passed in the present Writ Petition as the Management had already reinstated him in accordance with the impugned Award of the Labour Court, Cuddalore dated 19.09.2011.

7. The Writ Petition stands dismissed accordingly. Consequently, the connected Miscellaneous Petition is closed. There shall be no orders as to costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar



DP

To

1.The Presiding Officer,
Labour Court,
Cuddalore

2.The Management,
Tamil Nadu State Transport Corporation
Villupuram Ltd.,
Villupuram Region,
Villupuram.

+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.28509

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NRL(CO)
SB(04/05/2022)