



W.P.No.18588 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.18588 of 2013

S.Haridoss (Died)
P.Ragini
(Petitioner No.2 is LR of
deceased sole petitioner vie
order dated 25.02.2022 made
in WMP No.20464/2021 in
WP No.18588/2013 by MSRJ)

.... Petitioner

-Vs-

1.The Presiding Officer
Principal Labour Court, Vellore
Vellore District.

2.The Management
Tamilnadu Transport Corporation
Vellore-9.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling records from the 1st respondent Labour Court relating to the impugned award dated 19.11.2010 in I.D.No.19 of 2006 and quash the same and direct the 2nd respondent to reinstate the petitioner in service with full backwages, continuity of service and other attendant service benefits.

For Petitioner : Mr.S.Santhan

For Respondents : R1 – Court
Ms.S.Pavithra – for R2



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ORDER

The petitioner is the legal heir of one Haridoss. He raised an industrial dispute under Section 2A(2) of the Industrial Disputes Act, 1947 in I.D.No.19 of 2006. The charge against him was that he came in a drunken mood and assaulted the security guard one Gopinath. The enquiry officer found the charges to be proved, the enquiry report was accepted by the Management and the said Haridoss was terminated from service. He challenged the same before the labour Court. The labour Court set aside the report of the enquiry officer and gave an opportunity to the Management to prove the charges and an opportunity to the employee to disprove the same. The Management examined M.W.1, who was the Section Officer and M.W.2, who was the victim. The victim has clearly deposed before the labour Court that not once, but twice the deceased employee came to the depot at Tirupattur, assaulted the security staff and abused them. Though positive evidence was let in by M.W.1, the deceased employee did not care to enter into the witness box in order to put forth his version before the labour Court. The learned labour Court has correctly analyzed the evidence of M.W.1 and came to the conclusion.

2. Learned counsel for the petitioner would contend that neither the wound certificate to substantiate that the said Gopinath had taken treatment in a hospital nor criminal complaint had been produced before the labour Court.



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3. It is not necessary in order to enforce discipline, which the Management had proceeded to do, for the victim to be admitted in hospital with grievous injuries. Suffice it that they found that the petitioner had behaved in a manner contrary to his position. Here is a case where, not once but on 17 previous occasions the said Haridoss had misbehaved with his co-employees. Despite several opportunities that had been granted to the deceased Haridoss, he had not mended his ways. Therefore, left with no other option, when the incident happened on 19.10.2002, the Management proceeded to dismiss the deceased employee Haridoss from service. I do not find any perversity or illegality in the order of the Labour Court. The writ petition stands dismissed. No costs

13.06.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

- 1.The Presiding Officer
Principal Labour Court, Vellore
Vellore District.
- 2.The Management
Tamilnadu Transport Corporation
Vellore-9.



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V. LAKSHMINARAYANAN, J.

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