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W.P.No.20052 of 2010

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 16/3/2023

C O R A M

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

Writ Petition No.20052 of 2010

G. Chandrasekaran ... Petitioner

Vs

1. The Labour Court
Vellore
Vellore District.

2. The Principal
M/s. Christian Medical College
Bagayam
Vellore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records from the first respondent pertaining to the Award passed in I.D.No.91 of 2006 dated 23/4/2010 and quash the same and consequently, direct the second respondent to reinstate the petitioner with back wages, continuity of services and all other attendant benefits.

For Petitioner	...	M/s.T.Dharani
For Respondents	...	R.1 - Labour Court
		For R.2 – No appearance



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ORDER

This writ petition has been filed to quash the Award, dated 23/4/2010 passed by the first respondent, in I.D.No.91 of 2006, and consequently, direct the second respondent to reinstate the petitioner with back wages, continuity of service and all other attendant benefits.

2. It is the case of the petitioner that he was appointed on 30/5/2002 and was illegally terminated on 13/12/2005 and therefore, approached the Assistant Commissioner of Labour and thereafter, upon failure report, filed I.D.No.91 of 2016 before the first respondent for reinstatement with continuity of service and backwages and other attendant benefits.

3. It is his further case that the petitioner was appointed as Graduate Trainee Technician. He was not given any training, but six technicians were worked under him and he was asked to supervise all the jobs connected with training at MBBS, Paramedical and Nursing students and was terminated on 13/12/2005. Since no charge memo was given or notice of enquiry was conducted, petitioner was not found guilty of any charges. Hence, the learned counsel submitted that second respondent should be directed to reinstate the petitioner with backwages and other



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benefits.

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4. The second respondent Management filed a written statement before the labour Court pointing out that the period of training though was extended to the petitioner for some time, after proper evaluation, the respondent Management found him ineligible for confirmation.

5. It is contended by the second respondent that by an order, dated 12/12/2005, petitioner was relieved from service with effect from 30/11/2005. Since the petitioner was discharged on completion of probation, in accordance with Section 2 (oo) and (bb) of the Industrial Disputes Act, 1947, it is the specific case of the Management that the petitioner was not terminated from service as alleged by him nor it is the case of retrenchment.

6. Before the labour Court, the petitioner had marked Exs.W.1 to W.12 and examined himself as P.W.1. On behalf of second respondent, Exs.M.1 to M.11 were marked and M.W.1 was examined on behalf of the Management. Relying upon the Division Bench judgment in ***V.RAVICHANDER AND OTHERS Vs. MRF LIMITED AND***



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ANOTHER (CDJ 2009 MHC – 74), for the preposition that the Management is at liberty to determine the apprenticeship at any time without assigning any reason or notice.

7. The labour Court held that the petitioner has not made out any legal grounds to convince the Court to extend the service under the second respondent since the period of probation had expired, stating that the case squarely falls under Section 2 (oo) (bb) of the Industrial Disputes Act, 1947, the labour Court dismissed the petition. However, taking into consideration the petitioner was in service for a substantial period, the labour Court has awarded a compensation of Rs.40,000/- in the interest of justice.

8. This Court is unable to find any error or illegality in the decision, particularly when the facts are not in issue. This Court finds no merit in the writ petition. Even though, the learned counsel appearing for the petitioner has submitted that the petitioner's service has been appreciated, as per the appraisal given by the Management, earlier, this Court finds that the subsequent Confidential Evaluation Report on the petitioner was not in favour of the petitioner.



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9. From the records, it is seen that the petitioner's probation was not extended only on the ground of adverse remarks about his performance and this Court cannot delve into the issue as to the authenticity or validity of the internal assessment of the employee by the Management. Since there is no illegality as highlighted by the petitioner from the records, this Court has no reason to interfere with the order of the labour Court.

10. Accordingly, this writ petition is dismissed. No costs.

16/3/2023

Index :yes/no

Neutral Citation: Yes/No

mvs.

To

1. The Labour Court
Vellore
Vellore District.

S.S.SUNDAR,J

mvs.



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