



WP.No.20714/2010

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WP.No.20714/2010 & MP.No.1/2010

T.Nagaiah

.. Petitioner

Vs.

1.The Presiding Officer
Labour Court, Coimbatore.

2.The Management of Thaimudi
Estate, Mudis Post, Valparai Circle
642117, Coimbatore District.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records in ID.No.439/2003 dated 11.09.2009 on the file of the 1st respondent herein and quash the same and direct the 2nd respondent herein to reinstate the petitioner into service with continuity of service, back wages and other service benefits applicable to the petitioner.



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For Petitioner : Mr.D.Krishnamurthy
R1 : Court
For R2 : No appearance

ORDER

- (1) This writ petition is filed challenging the Award of the Labour Court/1st respondent herein dated 11.09.2009 made in ID.No.439/2003 and to direct the 2nd respondent herein to reinstate the petitioner into service with continuity of service, back wages and other service benefits applicable to the petitioner.
- (2) Brief facts that are necessary for the disposal of this writ petition are as follows:
- (3) It is the case of the petitioner that he was appointed as a Junior Staff on 16.11.1988 in the 2nd respondent / Management. By an order dated 07.06.1989, the 2nd respondent / Management terminated the services of the petitioner on the ground that his performance was not satisfactory. The petitioner raised an industrial dispute in ID.No.349/1990 and an Award was passed on 25.06.1993 setting aside the order of dismissal and directing



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reinstatement of the petitioner with back wages. The order in ID.No.349/1990 was challenged by the 2nd respondent / Management in a writ petition in WP.No.2568/1994. The writ petition filed by the 2nd respondent / Management was partly allowed. After reinstatement of the petitioner as a probationer, the 2nd respondent / Management terminated the probationary service of the petitioner with effect from 29.03.1994 by the order dated 24.03.1994. The petitioner thereafter lodged a petition before the Assistant Commissioner of Labour for conciliation and the Assistant Commissioner of Labour submitted a Failure Report on 21.05.1995. After long delay, the petitioner filed ID.No.439/2003 alleging that the petitioner was wrongfully terminated.

- (4) The 2nd respondent / Management filed a detailed counter stating that the petitioner was appointed on compassionate grounds on 16.11.1988 temporarily as a probationer. It is the further case of the 2nd respondent / Management that on account of the failure of petitioner to show improvement in the probationary service, he was terminated with effect from 07.06.1989. After reinstatement of the



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petitioner pursuant to the direction of the Labour Court in the earlier proceedings, it is the case of the 2nd respondent / Management that the petitioner who was reinstated as probationer by order dated 01.11.1993, failed to improve his performance. It is further stated that on the completion of the probation period, the petitioner was terminated from service by the order dated 24.03.1994 with effect from 29.03.1994.

- (5) The Labour Court accepting the case of the 2nd respondent / Management held that the termination of probationary service cannot be faulted as the petitioner was given sufficient opportunity and that the probationary service of the petitioner can be terminated for the reasons stated by the 2nd respondent / Management. The Labour Court specifically rendered a finding that the 2nd respondent / Management terminated the probationary service of the petitioner in accordance with law and therefore, the same cannot be questioned by the petitioner. Aggrieved by the order of the Labour Court, the present writ petition is filed.



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- (6) This Court heard the submissions of the learned counsel for the petitioner and perused the materials placed.
- (7) From the reading of the impugned order passed by the Labour Court, this Court is unable to find any irregularity or perversity in the findings of the Labour Court. Having regard to the nature of the order passed by this Court in WP.No.2568/1994 and the facts admitted and considered by the Labour Court, this Court finds no reason to interfere with the Award of Labour Court. Further, the petitioner's probationary service was terminated in the year 1993 and the 2nd respondent / Management refused to reinstate the petitioner even before the Conciliation Officer. However, the petitioner chose to raise an industrial dispute only in the year 2003 on the ground that he was wrongfully terminated from service.
- (8) Having regard to the specific findings of the Labour Court and the inordinate delay in raising the industrial dispute, this Court finds that the order of Labour Court dismissing the petition filed by the petitioner is proper.



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(9) Hence, the writ petition is liable to be dismissed for want of merits.

Accordingly, the writ petition stands **dismissed**. No costs.

Consequently, connected miscellaneous petition is closed.

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AP

Internet : Yes

Neutral Citation: Yes/ No

To

1.The Presiding Officer

Labour Court, Coimbatore.

2.The Management of Thaimudi

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S.S.SUNDAR, J.,

AP

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