



W.P.Nos.30200 of 2005 & 7073 of 2006

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.Nos.30200 of 2005 & 7073 of 2006

W.P.No.30200 of 2005

The Management of Ashok Leyland Ltd.,
175, Hosur Industrial Complex
Hosur – 635 126
Rep.by Manager Industrial Relations

... Petitioner

Vs.

1. The Presiding Officer
Labour Court,
Salem.

2. S.Kannan

... Respondents

W.P.No.7073 of 2006

S. Kannan

... Petitioner

Vs

1. The Presiding Officer
Labour Court, Krishnagiri

2. The Management of
Ashok Leyland Ltd.,
175, Hosur, Industrial Complex,
Hosur – 635 126
by Managing Industrial Relations

... Respondents



W.P.Nos.30200 of 2005 & 7073 of 2006

PRAYER in W.P.No.30200 of 2005: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorari to call for the records connected with the Award dated 14.12.2004 made by the 1st respondent in I.D.No.456 of 2000 and quash the same.

For Petitioner : Mr.S.Shivathanu Mohan

For Respondents : Mr.K.V.Shanmuganathan for R2

PRAYER in W.P.No.7073 of 2006: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified mandamus calling for the records pertaining to I.D.No.456/2000 and quash the award dated 14.12.2004 passed by the first respondent by which the first respondent had denied backwages and other attendant benefits to the petitioner and further direct the 2nd respondent herein to pay the petitioner entire backwages and other attendant benefits.

For Petitioner : Mr.K.V.Shanmuganathan

For Respondents : Mr.S.Shivathanu Mohan for R2

COMMON ORDER

W.P.No.30200 of 2005 has been filed to call for the records connected with the Award dated 14.12.2004 made by the 1st respondent in I.D.No.456 of 2000 and quash the same.



WEB COPY

W.P.No.7073 of 2006 has been filed to call for the records pertaining to I.D.No.456/2000 and quash the award dated 14.12.2004 passed by the first respondent by which the first respondent had denied backwages and other attendant benefits to the petitioner and further direct the 2nd respondent herein to pay the petitioner entire backwages and other attendant benefits.

2. Since the issue involved in both the matters and the facts are one and the same. Therefore, both the petitions are disposed of by way of common order.

3. The second respondent/Workman was appointed as a Casual Worker by order dated 03.01.1995 and he was paid Rs.2,000/- p.m. as a consolidated pay. Then on 07.08.1997 a charge sheet was issued by the petitioner/Management to the second respondent/Workman and the relevant portion is extracted as below:-

CHARGE SHEET

“It is reported that your Time card punching and your entry into the factory based in Security gate entry report are of different timings on 30.07.97 as mentioned below:



Date	In punch time as per punch clock	Gate entry as per Security report
30.07.97	07.56 hrs	08.07 hrs

From the above it has been alleged that you are in the habit of indulging in proxy punching with the help of some one and if it is proved, would constitute a misconduct in terms of the Model Standing Orders applicable to you”.

Then an enquiry was conducted and the charges were held to be proved and a Show Cause Notice dated 09.01.1998 was issued by the Management to the second respondent/Workman for which a reply to that notice was also given by the second respondent/Workman on 22.01.1998. Subsequently, the petitioner/Management dismissed the second respondent/Workman on 30.01.1998 based on the findings of the Enquiry Officer that a misconduct has been committed by the second respondent/Workman was of serious in nature and warrant deterrent punishment.

4. The second respondent/Workman raised an ID.No.456 of 2000 before the Labour Court, Salem. The Labour Court, Salem having gone through the petition filed by the second respondent/Workman and considering the documents produced by the petitioner/Management passed an award wherein the Labour Court, Salem had directed the petitioner/Management to reinstate the second respondent/Workman in the same post which he was holding with



W.P.Nos.30200 of 2005 & 7073 of 2006

continuity of service but without back wages and other benefits by an award dated 14.12.2004. Aggrieved by the award dated 14.12.2004, the petitioner/Management has come forward with the present W.P.No.30200 of 2005.

5. When the matter was taken up for final hearing today, the learned counsels appearing on either side submitted that the second respondent/Workman has gainfully employed in October 2003 much prior to the award dated 14.12.2004.

6. In view of the above submissions made by the learned counsels appearing on either side nothing survives in these writ petitions for further adjudication and these writ petitions are closed.

7. In the result these writ petitions are closed. No costs.

23.02.2023

dpq

Index : Yes /No

Speaking Order : Yes/No



WEB COPY



W.P.Nos.30200 of 2005 & 7073 of 2006

J. SATHYA NARAYANA PRASAD, J.

dpq

To

1. The Presiding Officer
Labour Court, Krishnagiri

W.P.Nos.30200 of 2005
& 7073 of 2006

23.02.2023