



WEB COPY



W.P.No.5664 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

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THE HON'BLE MRS. JUSTICE R.HEMALATHA

W.P.No.5664 of 2020

N.Elangovan

... Petitioner

Vs.

Management

Tamilnadu State Transport Corporation (Salem) Ltd.,

12, Ramakrishna Road

Salem – 7.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Award of the Labour Court, Salem dated 02.12.2015 in I.D.No.6 of 2013 and quash the same and consequently direct the respondent to reinstate the petitioner into service.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.R.Babu, Standing Counsel

ORDER



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WEB COPY Challenging the Award of the Labour Court, Salem in I.D.No.6 of 2013

dated 02.12.2015, the petitioner has filed the present Writ Petition.

2.The petitioner was working as a Conductor with the respondent, the Tamilnadu State Transport Corporation (Salem) Ltd., from 14.09.1994. Since, he unauthorisedly absented himself from attending duty from 07.01.2011 onwards, a show cause notice dated 03.09.2011 was issued to him and after getting explanation from him, a departmental enquiry was initiated. The Enquiry Officer in his report held that the charges were proved based on which, the Disciplinary Authority dismissed the petitioner from service, after issuing a second show cause notice dated 24.04.2012. Aggrieved over the same, the Writ Petitioner raised an Industrial Dispute before the Labour Court, Salem, under Section 2 (A) of the Industrial Disputes Act. The Presiding Officer, vide his orders dated 02.12.2015 dismissed the said petition on the ground that the petitioner had unauthorisedly absented himself from 07.01.2011 and therefore, no leniency could be shown to him. This observation of the Labour Court, Salem is based on the evidence on record.



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3. Aggrieved over the orders passed by the Labour Court, Salem, the present Writ Petition is filed by the petitioner/workman.

4. Mr. D. Soundar Raj, learned counsel appearing for the Writ Petitioner/workman would contend that the Writ Petitioner actually submitted medical records to the Management and the same were not considered. According to him, the petitioner had accidentally fallen down from a bus and sustained dislocation of his hip and therefore, he could not attend duty. It is further submitted by him that the punishment of dismissal from service for unauthorised absence is too harsh.

5. Mr. R. Babu, learned Standing Counsel appearing for the respondent would contend that the Labour Court, Salem after appreciating the evidence on record, had given findings on facts and that the present petitioner did not adduce any evidence to show that he sustained injuries in an accident. He therefore prayed for dismissal of the petition.

6. It is seen from the records that the petitioner/workman absented



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himself from attending duty with effect from 07.01.2011 and in fact he submitted his leave letter on 10.03.2011, in which he had sought for 25 days of medical leave from 07.01.2011 to 31.01.2011, 28 days of medical leave from 01.02.2011 to 28.02.2011 and 20 of days medical leave from 01.03.2011 to 20.03.2011. Thus, it is clear that he did not obtain prior permission before going on leave. He did not also submit his leave applications within a reasonable time along with medical certificate. Moreover, it is also seen from the records that he had absented himself atleast 10 times during his 18 years of his service for which, he was punished.

7.In the facts and circumstances, I do not find any reason to interfere with the Award passed by the Labour Court, Salem in I.D.No.6 of 2013 dated 02.12.2015 and accordingly, this Writ Petition stands dismissed. No costs.

11.12.2023

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Index:Yes/No



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Speaking Order: Yes/No
Neutral Citation: Yes/No

To
The Management
Tamilnadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road
Salem – 7.



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R.HEMALATHA, J.,

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