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W.A.No.755/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 28-03-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.No.755 of 2023

The Management of State Transport Corporation
(Kumbakonam Division I) Ltd.,
Railway Station New Road,
Kumbakonam.

...

Appellant

-vs-

1.The Presiding Officer,
Labour Court,
Cuddalore.

2.P.Viswanathan

...

Respondents

Appeal is filed under Clause 15 of the Letters Patent against the order,
dated 06.03.2015, passed in W.P.No.44553 of 2002, on the file of this Court.

For Appellant : Mr.M.Murali Vinodh

For Respondent 2 : No appearance



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JUDGMENT
(By *S.Vaidyanathan,J.*)

This appeal has been preferred by the appellant management against the order of the learned single Judge, dated 06.03.2015, passed in W.P.No.44553 of 2002, confirming the award of the Labour Court, Cuddalore, reinstating the second respondent employee with back-wages.

2. The second respondent employee died during the pendency of the Writ Petition. Without bringing the legal representatives of the employee on record, this Writ Appeal has been filed by the management. Even assuming for the sake of argument that the appellant has brought the legal representatives of the employee on record, as could be seen from the award of the Labour Court, it is known that the appellant had not taken any steps for examining the passenger, who had given a statement that the respondent employee, after receipt of Rs.2/-, issued old ticket to the passenger. Further, when the respondent employee denied the voluntary statement to the effect of issuing old ticket to the passenger, the appellant management ought to have substantiated the said statement given by the respondent employee, which is not done. Though it is observed in the award that the passenger should have been examined, which is not mandatory, the Labour Court, by taking into account the evidence of Exs.M2 and M6, rendered a finding of fact, which cannot be interfered with.



3. Therefore, finding no merit, we dismiss this Writ Appeal. No costs.

Consequently, the connected C.M.P.No.7289 of 2023 is closed.

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Index : Yes/No

Internet : Yes/No

Speaking / Non-speaking Order

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(S.V.N.,J.)

(R.K.M.,J.)

28-03-2023

To

The Presiding Officer,
Labour Court,
Cuddalore.



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4/4

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S.VAIDYANATHAN,J.
AND
R.KALAIMATHI,J.

dixit

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