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W.A.No.410 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.No.410 of 2014

A.Ravi

.. Appellant

-VS-

1. The Chairman,
Pondichery Housing Board,
Anna Salai, Nellithope,
Pondichery-5.
2. Executive Engineer,
Pondicherry Housing Board,
Anna Salai, Nellithope,
Pondichery-5.
3. The Presiding Officer,
Labour Court,
Pondichery.

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 19.07.2010 passed in W.P.No.2327 of 2003.



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For Appellant : Mr.Sivakumaran
For Respondents : Mr.T.M.Naveen (R1 & R2)

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J U D G M E N T

This Writ Appeal has been preferred by the Appellant/Writ Petitioner challenging the order of the learned Single Judge in W.P.No.2327 of 2003 dated 19.07.2010, in setting aside the Award of the Labour Court dated 24.06.2002 in I.D.No.18 of 2000.

2. The facts in nutshell placed before this Court are as follows:

(i) The Appellant/Writ Petitioner was appointed by the 2nd Respondent as Gumastha (clerk) on 31.03.1988 on regular basis. The Appellant has put in more than 3 ½ years of continuous service. While so, his service was terminated neither issuing any notice nor conducting any enquiry. Challenging the same, the Appellant/Writ Petitioner raised an Industrial Dispute before the Conciliation Officer, Labour Department, Government of Pondicherry on 16.11.1994 in I.D.No.18 of 2000. Before the Labour Court, the Workman did not examine himself and marked 17 exhibits. The Respondents neither examined any witnesses nor marked any exhibits and on analyzing the evidence let in by the Writ Petitioner, and on the admission of the Writ Petitioner that he was engaged as Gumasta in Engineering Division of Pondicherry Housing Board as daily rated worker and the said Division was subsequently abolished held that after the scheme under which the Appellant was engaged was abolished, no one was engaged.



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The Labour Court has also disbelieved the statement of the Workman that juniors to him have been engaged and by taking note of the Exhibits filed by the Appellant/Writ Petitioner held that none of the juniors to the Appellant/Writ Petitioner has been engaged and that there is no evidence to show that one Susairaju was junior to the Appellant/Writ Petitioner and that there is no arbitrariness in the termination and there was no seniority list maintained for the purpose of engaging persons under the scheme and thereby dismissed the I.D.No.18 of 2000 filed by the Appellant/Writ Petitioner vide order dated 24.06.2002.

(ii) The said order was challenged before this Court in W.P.No.2327 of 2003. The learned Single Judge while taking note of the contention of the Appellant/Writ Petitioner came to the conclusion that the Award dated 24.06.2002, cannot be interfered with as it is based on finding of fact and except experience certificate produced by the Appellant, which was marked as Ex.A2, all other documents related to conciliation proceedings, which were initiated at the instance of the Appellant, after the Appellant was disengaged. The learned Single Judge also observed that the Labour Court recorded a finding that the copy of the note file was produced and after being satisfied with the factual circumstances, held that there are no reasons for ordering reinstatement of the Appellant/Writ Petitioner and thereby dismissed the Writ Petition on 19.07.2010. Being



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aggrieved the present Writ Appeal has been preferred by the Appellant/Writ Petitioner.

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3. Heard. Perused the records.

4. A perusal of the order passed by the learned Single would go to show that the learned Single Judge relied upon a Judgment of Hon'ble Supreme Court in the case of ***Syed Yakoob Vs. K.S.Radhakrishnan*** reported in ***AIR 1964 SC 477***, wherein it is held that the Jurisdiction of the High Court to issue Writ of certiorari or direction under Article 226 or Article 227 of the Constitution of India is a supervisory jurisdiction and the Court exercising it, is not entitled to act as an appellate Court. Findings of fact reached by the inferior Court or Tribunal as a result of the appreciation of evidence cannot be reopened or questioned in writ proceedings.

5. In view of the aforesaid Judgment, we are of the view that the finding of fact rendered by the Labour Court which was affirmed by the learned Single Judge need not be assailed as there is no evidence apparent on the face of the records.



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6. We do not find any irregularity or illegality in the order passed by the learned Single Judge. Hence, this Writ Appeal stands dismissed. No costs.

[S.V.N., J.]

[R.K.M., J]

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Index: Yes / No

Internet: Yes / No

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S. VAIDYANATHAN,J.,

and

R.KALAIMATHI.,J

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