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W.P.No.9590 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.9590 of 2015

and

W.M.P.No. 1 of 2015

N.Devarajan

...Petitioner

Vs.

1. Axles India Ltd.,
Rep. by its Management,
Singaperumal koil Road,
Sriperumbudur 602 105.
2. The Presiding Officer,
I Additional Labour Court,
Chennai – 104.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, thereby calling for the entire records in approval petition No.15 of 2007 in I.D.No. 34 of 2005 dated 15.07.2015 on the file of the second respondent and quash the same directing the first respondent to reinstate the petitioner with back wages and all the attendant benefits.

For petitioners	:	No appearance
For R1 and R2	:	Mr.V.M.Sreenithi For Mr.AGAM Legal
For R3	:	Labour Court



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ORDER

This writ petition is filed seeking to quash the orders passed by the second respondent/Labour Court, Chennai in approval petition No.15 of 2007 in I.D.No. 34 of 2005 dated 15.07.2015 dated 15.07.2015 to reinstate the petitioner.

2. The petitioner joined the first respondent organisation on 08.11.1982 at Sriperambadur with employment No.0055. He was charge sheeted on 29.05.2006 alleging that he failed to attend office unauthorizedly. Explanation was submitted by the petitioner, as it was not satisfactory an enquiry was commenced on 29.05.2006. The petitioner has failed to appear and participate in the enquiry proceedings and thereby the enquiry was adjourned to 12.07.2006.

3. The petitioner made a request to the respondent change the venue of the enquiry, thereby, a letter dated 11.07.2006, however, the same was rejected and communicated to the petitioner by way of letter dated



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12.07.2006. Since the petitioner failed to participate in the enquiry proceedings the petitioner was set *ex-parte* by the enquiry officer. The witnesses were examined and documents were marked on behalf of the management and finally after the conclusion of the enquiry final report was filed on 28.03.2006 holdong that all the charges levelled against the petitioner were proved.

4. A copy of the award was forwarded to the petitioner asking him to submit the explanation but response was not received. Subsequently, another show cause notice was issued to the petitioner on 30.11.2006, even then there was no response and finally the petitioner was dismissed from service subject to the approval of the Labour Court. The proceedings were communicated to the petitioner along with one month salary. The Labour Court after due enquiry has approved the action of the first respondent, dismissing the petitioner.

5. In the counter affidavit filed before the Tribunal, the management explained the details as to why the workmen were transferred from Sriperumbudur to Gummudipoondi stating that the transfer of the workmen is



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in the interest of both the management and the workmen. The counter affidavit also laid emphasis on one of the terms in the appointment order that the workmen will have to accept transfer to any place in the organization or to any of the group companies, if necessitated.

6. It is submitted by the learned counsel for the petitioner that the respondent management has victimised the petitioner and others for refusing to accept the unreasonable anti workman policies of the management. It is also submitted that the parallel union affiliated to INTUC was established and the petitioner and other workers were transferred from Sriperumpudur to Gummidipoondi, for which Industrial Dispute was raised by the petitioner.

7. Heard both sides and perused the materials available on record.

8. According to the respondent management not only the petitioner but many other senior employees were also transferred from Sriperumpudur to Gummidipoondi. There is no condition in the standing orders to the effect that the petitioner shall not be transferred from one place to another. As per



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the terms of the appointment of the petitioner can be tranfered to any place.

During the course of enquiry number of oppourtunites were given to the petitioner by the Enquiry Officer, so that the petitioner can participate in the enquiry proceedings. After enquiry was concluded a copy of the enquiry report was also sent to the petitioner. Even after receiving the enquiry report the petitioner has not given any reply, thereby having no option, the respondnet has dismissed the petitioner from service. The Labour Court has after due enquiry found that the disciplinary proceedings were conducted in fair and proper way.

9. In order to set aside the award passed by the Labour Court, the petitioner is expected to make out a case that the order passed by the Labour Court are apparently perverse and shocks the conscience of this Court. On going thought the records, this Court finds that there is no infirmity or perversity in the award under challenge.

DR. D.NAGARJUN,J.



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vca/jai

10. In view of the above discussions there are no merits in this case, accordingly this writ petition is dismissed. Connected WMPs are closed.

Costs made easy.

13.12.2023

vca

Index : Yes/No
Internet : Yes/No
Citation : Yes/No

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