



W.P.No.32756 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32756 of 2016

and

WMP.No.28332 of 2016

The President,  
Gopalapuram Village Panchayath,  
Gopalapuram Post & Village,  
Virudhachalam Taluk, Cuddalore District – 606 103.

...Petitioner

Vs

1. The Presiding Officer,  
Labour Court, Cuddalore & District.
2. The Block Development Officer,  
District Rural Development,  
Cuddalore & District.

3. R.Periasamy

...Respondents

Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the Labour Court, Cuddalore in proceedings I.D.No.167 of 2003 in the order dated 28.10.2015 by the 1st respondent and quash the same.



W.P.No.32756 of 2016

For Petitioner : Mr.G.Anabayachozhan

For Respondents : Mr.V.Ravi, Spl.GP, for R2  
: Mr.M.R.Chellappan, for R3

### **ORDER**

This Writ petition has been seeking to quash the order of the 1<sup>st</sup> respondent dated 28.10.2015 made in I.D.No.167 of 2003.

2. The case of the petitioner panchayat is that, for the purpose of providing drinking water to the village concerned, the 3<sup>rd</sup> respondent was appointed as a Motor Pump Operator on 19.05.1997. That being so, as the 3<sup>rd</sup> respondent did not operate the motor wantonly on various occasions and as he failed to maintain the water tap, it led to breaking of the pipeline and various other difficulties and aggrieved by the said action of the 3<sup>rd</sup> respondent, the village people gave various representations to the petitioner panchayat seeking to take appropriate action against the 3<sup>rd</sup> respondent. Pursuant to the representations, the petitioner panchayat, after conducting council meeting, removed the 3<sup>rd</sup> respondent from service. Aggrieved by the said dismissal, the 3<sup>rd</sup> respondent raised an industrial dispute in I.D.No.167



W.P.No.32756 of 2016

of 2003 before the 1<sup>st</sup> respondent seeking to set aside the dismissal order dated 08.09.2003. After contest, the 1<sup>st</sup> respondent passed the present impugned award dated 28.10.2015, directing the petitioner panchayat to reinstate the 3<sup>rd</sup> respondent with back wages and continuity of service. Challenging the same, the petitioner is before this Court.

3. Learned counsel for the petitioner submitted that, the 3<sup>rd</sup> respondent committed various misconducts, for which, he was terminated from service and the service of the 3<sup>rd</sup> respondent is governed by various Government orders and by virtue of G.O.Ms.No.1403 Labour Department dated 26.6.1984, the 3<sup>rd</sup> respondent is not coming under the labour category. While so, instead of approaching this Court by filing a writ petition, the 3<sup>rd</sup> respondent raised an industrial dispute, which is not maintainable, as the Labour Court has no jurisdiction to entertain the dispute. However, without considering the above said facts, the Labour Court allowed the dispute raised by the 3<sup>rd</sup> respondent, vide present impugned order which is legally unsustainable and accordingly, he prayed for appropriate orders.



W.P.No.32756 of 2016

4. Learned counsel for the 3<sup>rd</sup> respondent submitted that, the 3<sup>rd</sup> respondent was appointed as a Motor Pump Operator in the petitioner panchayat in the year 1997. While so, for the reasons best known to the petitioner, the petitioner panchayat removed the 3<sup>rd</sup> respondent from service. Though the petitioner panchayat raised various allegations as against the 3<sup>rd</sup> respondent, however, no documents were marked by the petitioner panchayat before the Labour Court and no witnesses were examined on behalf of the petitioner pachayat and it miserably failed to prove the allegations made against the 3<sup>rd</sup> respondent before the Labour Court. However, the 3<sup>rd</sup> respondent marked Ex.W.1 to W.9 in order to prove his innocence and examined himself before the Labour Court and the Labour Court, after careful consideration of all the materials placed before it, passed the present award, which does not require interference of this Court.

5. On the above said contentions, heard learned Special Government Pleader appearing for the 2<sup>nd</sup> respondent and perused the material documents placed on record.



W.P.No.32756 of 2016

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6. For the alleged misconducts, though the petitioner panchayat terminated the 3<sup>rd</sup> respondent workman from service, vide order dated 08.09.2003, however, no charge memo or enquiry report or any other documentary evidence was filed by the petitioner panchayat before the Labour Court to prove the allegations made against the 3<sup>rd</sup> respondent workman. Therefore, in the absence of any evidence, the 1<sup>st</sup> respondent has rightly allowed the dispute raised by the 3<sup>rd</sup> respondent and directed the petitioner panchayat to reinstate the 3<sup>rd</sup> respondent, vide present impugned award. When law contemplates following of principles of natural justice before terminating the service of an workman, the employer is supposed to follow the same and in the case on hand, there is no material to show that principles of natural justice was complied with. As stated above, no material has been placed before the Labour Court to substantiate the charges levelled against the workman and such being the case, the findings recorded and the order passed by the Labour Court cannot be interfered with, as the same does not suffer any perversity.



W.P.No.32756 of 2016

WEB COPY

7. For the reasons aforesaid, this Writ petition stands dismissed. No costs, Consequently, the connected miscellaneous petition stands closed.

**10.07.2023**

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

To

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Labour Court,  
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W.P.No.32756 of 2016

**M.DHANDAPANI., J.**

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