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W.P.No.20766 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06..06..2023

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.20766 of 2014

and

M.P.Nos.1 of 2014 and 1 & 2 of 2015

The Management,
Tamilnadu Transport Corporation (Salem) Ltd.,
Dharmapuri Division,
Bharathipuram, Dharmapuri-05,
Rep. by its General Manager.

..... Petitioner

-Versus-

1.M.Jayamani

2.The Presiding Officer,
Labour Court,
Salem.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorari calling for the records of the order dated 06.07.2013 made in I.D.No.32 of 2011 by the 2nd respondent and to quash the same as illegal.

For Petitioner : *Mr.R.Babu*

For Respondents : *Mr.R.M.D.Nasrullah*



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ORDER

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2. The 1st respondent along with few others were sponsored through District Employment Office to the post of Canteen Assistant. As per the sponsorship, his educational qualification was V standard with one year of experience. The 1st respondent was selected and appointed on 02.07.1988 in the service of the petitioner corporation as Canteen Assistant on daily wages and his services were regularized on 01.08.1992. According to the petitioner corporation, even at the time of appointment, it was stated that if any of the credentials were found to be fraud or bogus, the order of appointment would be terminated. According to the petitioner, the 1st respondent had produced certificate stating that he had passed VIII standard from Nedungal School, Panchayat Union, Nedungal. After a period of nearly 12 years, the petitioner corporation seems to have sent the certificate produced by the 1st respondent for verification and got a certification that the same was bogus. It was reaffirmed by the District Elementary Educational Officer, Dharmapuri, by his proceedings dated 14.03.2001. On that basis, a domestic enquiry was conducted and the 1st respondent was dismissed from the service. Challenging



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the same, the 1st respondent raised a dispute in I.D.No.32 of 2011 on the file of the Labour Court, Salem. The labour court came to a conclusion that the enquiry was not conducted as per law and sufficient opportunity had not been given to the 1st respondent herein. Apart from that the labour court had taken note of the judgement of this court dated 19.07.2011 made in W.P.No.5284 of 2009 wherein this court had held that in the absence of any service rules requiring for a particular educational qualification, certificate produced only for the purpose of establishing the age could be ignored. Such view has been affirmed by a Division Bench of this Court in W.A.No.2283 of 2012 by judgement dated 17.10.2010.

3. Mr.R.Babu, learned counsel appearing for the petitioner vehemently contended that Karnataka High Court has taken a different view in **Prabhulingappa H M v. Divisional Controller K.S.R.T.C. (2012) 1 LLJ 723**. He would want me to follow the view taken by the Karnataka High Court.

4. I am unable to agree with the said contention. This court has taken a view that where there is no service rule for a particular post and a certificate has been produced only for the purpose of showing the age, no prejudice would be caused to the employer. Apart from that, in the present case, a further opportunity has been given to the employer to verify the age of the petitioner by



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the labour court. The factum that the 2nd respondent had studied only upto V standard and not VIII standard is irrelevant because for the post of Canteen Assistant, there is no service regulation that demands that the 2nd respondent should have studied upto VIII standard. That is the view taken by this court and affirmed by a Division Bench of this Court which is binding on me. I am not persuaded by the view taken by the Karnataka High Court, when for the very same Management the Division Benches of this court have taken a different view and the view taken by the Division Benches is also binding on the labour court. I find no perversity or illegality in the order passed by the Labour Court. The writ petition is devoid of merits and the same is liable to be dismissed. **In the result**, this writ petition is dismissed. No costs. Consequently, connected MPs are closed.

06..06..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

1.The General Manager,
Tamilnadu Transport Corporation (Salem) Ltd.,
Dharmapuri Division,
Bharathipuram, Dharmapuri-05,

2.The Presiding Officer, Labour Court, Salem.



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V.LAKSHMINARAYANAN, J.
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