



W.P.No.31303 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.31303 of 2014

And

M.P.No.1 of 2014

The General Manager,
Tamilnadu State Transport Corporation
(Villupuram) Ltd.,
Villupuram – 605 602.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Cuddalore.

2.B.Suburayan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the order dated 22.08.2011 in I.D.No.19 of 2004 on the file of the Labour Court, Cuddalore and quash the same as illegal.

For Petitioner : Mr.M.Aswin
For Respondents : R1 - Court
Mr.K.Arunagiri for R2



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the order dated 22.08.2011 in I.D.No.19 of 2004 on the file of the Labour Court, Cuddalore and to quash the same as illegal.

2.The case of the petitioner is that the second respondent joined the service as casual labour in the petitioner Corporation and thereafter he was stopped from duty. Aggrieved by the same, the second respondent filed W.P.No.19114 of 2000 before this Court and this Court vide order dated 06.03.2003 directed the petitioner Corporation to consider the second respondent's application for making him a permanent employee. Thereafter, the petitioner Corporation vide order dated 02.06.2003, rejected the second respondent's application. Aggrieved by the same, the second respondent raised industrial disputes in I.D.No.19 of 2011 before the first respondent, pursuant to which, the impugned order was passed. Hence this writ petition.

3.The learned counsel for the petitioner submitted that the second respondent was not appointed by the General Manager of the



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Corporation who is the appointing Authority. The second respondent was only a casual labour and he did not work for 240 days in a year continuously and hence, the impugned order directing the petitioner Corporation to reinstate the second respondent with continuity of service but without backwages and other benefits is not sustainable one.

4.The learned counsel appearing for the second respondent submitted that the second respondent worked as Cashier in the Petitioner Corporation from 30.06.1996 and from 30.04.1997, he worked as Conductor and thereafter worked as Time Keeper from 11.10.1999, however, without any notice he was dismissed from service on 20.09.2000 and hence, the second respondent worked 240 days in a year continuously for three years.

5.The learned counsel appearing for the second respondent further submitted that the writ petition filed by the petitioner Corporation as against similarly situated person in W.P.No.28521 of 2012 (The Management of Tamil Nadu State Transport Corporation (Villupuram) Limited, Villupuram Region Vs. 1.The Presiding Officer,



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Labour Court, Cuddalore, 2.K.Rajaram) for the very same relief was dismissed by this Court on 18.10.2012 and challenging the same, the petitioner Corporation filed W.A.No.895 of 2016 and the said appeal was dismissed by the Hon'ble Division Bench of this Court on 14.10.2019 (Common Judgment in W.A.Nos.892 to 897 of 2016).

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

7.Perusal of records disclose that before the second respondent was removed from service no notice was given to him, which is in violation of principles of natural justice. Further, the writ petition filed by the petitioner Corporation as against similarly situated person in W.P.No.28521 of 2012 was dismissed by this Court on 18.10.2012 and the appeal filed in W.A.No.895 of 2016 as against the said order was dismissed by the Hon'ble Division Bench of this Court on 14.10.2019. The petitioner also stand in the same footing. Hence, the impugned order warrants no interference by this Court.



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8.The writ petition is accordingly dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Presiding Officer,
Labour Court, Cuddalore.



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