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W.P.No.13106 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13106 of 2014

M.P.Nos.1 & 2 of 2014

P.Matheswaran

...Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore, Coimbatore District.

2. The General Manager,
Tamil Nadu State Trasport
Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore, Coimbatore District.

3. The Presiding Officer,
Labour Court, Coimbatore,
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the Award in I.D.No. 93 of 2003, dated 21.08.2013 passed by the Labour Court, Coimbatore and quash the same in so far relates to fixing the 25% back-wages and consequently directing the respondents 1 and 2 to fix the pay - scales of the petitioner by taking into



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note of continuity of service and other employees basic pay scales, who were appointed along with the petitioner into service and disburse 100% arrears of back wages to the petitioner till date from date of dismissal i.e., on 21.07.1998.

For Petitioner : Mr.C.Prakasam

For Respondents

For R1 & R2 : Mr.A.Sundharavadhanam
Standing Counsel

For R3 : Mr.P.Kannankumar

ORDER

The Writ Petition has been filed challenging the award dated 21.08.2013, passed by the third respondent in I.D.No. 93 of 2003, insofar as awarding 25% of backwages instead of 100% backwages.

2. The petitioner had joined duty of the first respondent corporation as Office Assistant for one year as casual labour under sports quota. After probation of one year, he was appointed in a regular post in the time scale of pay. Thereafter, he was transferred to Palladam Branch and subsequently to Mettupalayam branch. When he was working at Mettupalayam branch, he was served with charge memo dated 10.03.1997, on the allegation that the sports certificate issued in the petitioner was forged one.



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3. The first respondent did not satisfy with the explanation submitted by the petitioner, and initiated disciplinary proceeding. On the enquiry, charges were found to be proved and the petitioner was removed from service. Therefore, the petitioner raised industrial dispute in I.D.No.93 of 2003. The Labour Court by an order dated 28.02.2007, directed the respondents to reinstate the petitioner with continuity of service and other attendant benefits. However, the Labour Court did not award any back wages.

4. Therefore, the petitioner challenged the said award before this Court in W.P.No.25004 of 2008 and this Court by an order dated 04.04.2013, remitted the matter back to the Labour Court for fresh disposal. Once again, the Labour Court considered the facts and circumstances and ordered to reinstate the petitioner with 25% of back wages by an order dated 21.08.2013. Aggrieved by the same, the petitioner filed this present writ petitioner challenging the award insofar as ordering 25% of backwages.



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5. Heard the learned counsel appearing on either side and perused the material placed before this Court.

6. It is seen that even till today, the petitioner failed to join in the respondent corporation, though he received a letter to join in the said corporation. Therefore, from the year 1998 onwards, the petitioner is out of service and even after the award dated 28.02.2007, the petitioner failed to join in duty. Therefore, the petitioner is not entitled for the relief sought for in this writ petition and the prayer sought for in this petition is devoid of merits and liable to be dismissed.

7. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

21.08.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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To
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G.K.ILANTHIRAIYAN. J.

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