



WEB COPY



W.P.No.22508 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

W.P.No.22508 of 2019

R. Ramachandran

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited
Dharmapuri Region,
No.12, Ramakrishna Street,
Salem.

2. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited
Dharmapuri Region, Dharmapuri.

3. The District Employment Officer,
Dharmapuri

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed in I.D. No.115/2012 dated 26.08.2015 by the Labour Court Judge, Salem and to quash the same.



WEB COPY



W.P.No.22508 of 2019

For Petitioner : Mr. M.P. Rajavelayutham
for M/s. S.Doraisamy
For R1 & R2 : Mr.R. Babu
For R3 : Ms.P. Vijayadevi,
Government Advocate

ORDER

The Writ Petitioner was appointed as a trainee Conductor on 29.10.2007 in the 1st respondent Tamil Nadu State Transport Corporation (Salem) Limited, Dharmapuri Region. According to the Writ Petitioner, he was terminated from service with effect from 05.04.2010 without conducting any proper enquiry. He therefore raised an Industrial Dispute before the Labour Court, Salem, in I.D.No.115/2012 under Section 2A(2) of the Industrial Disputes Act, 1947. The respondent Management filed a detailed counter and after analysing the evidence on record, the Labour Court Judge, Salem, vide her orders dated 26.08.2015, dismissed the petition filed by the present Writ Petitioner. Aggrieved by the same, the present Petition is filed.

2. Briefly into the facts of the case:

The respondent Management called for persons for the post of Conductors from the 3rd respondent, District Employment Officer,



W.P.No.22508 of 2019

Dharmapuri, and certain persons were sponsored by the 3rd respondent.

The 1st respondent Management, after conducting an interview, appointed some of the persons sponsored by the 3rd respondent. Though the petitioner's name did not find place in the list of persons sponsored by the 3rd respondent, he was appointed as a Conductor / Trainee vide appointment letter dated 16.10.2007 and he worked till 05.04.2010. This fact was subsequently found out by the Management and the appointment order of the Writ Petitioner was set aside by the Management vide orders dated 05.04.2010. In this regard two officials of the 1st respondent Management were also removed from service.

3. Mr. M.P. Rajavelayutham, learned counsel for the Writ Petitioner would contend that the writ petitioner was appointed by the Tamil Nadu State Transport Corporation (Salem) on 29.10.2007 and he had also worked till 05.04.2010 and therefore cancellation of his appointment order by the Management is totally illegal since no departmental enquiry was conducted. It is his submission that the principles of natural justice had not been followed in the present case. He, therefore, would contend that the Writ Petition is liable to be allowed.



W.P.No.22508 of 2019

permitted to state that he should be given an opportunity of being heard.

The Labour Court, in fact, had gone into all the aspects of the present case and had come to a conclusion that the appointment order itself is illegal. In the circumstances, I do not see any reason to interfere with the same. Accordingly, the Writ Petition is dismissed. No Costs.

07.12.2023

bga

Index : yes/no

Speaking /Non speaking Order

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited
Dharmapuri Region,
No.12, Ramakrishna Street,
Salem.
2. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited
Dharmapuri Region, Dharmapuri.
3. The District Employment Officer,
Dharmapuri



WEB COPY



W.P.No.22508 of 2019

R.HEMALATHA, J.

bga

W.P.No.22508 of 2019

07.12.2023