



WEB COPY



W.A.No.3145 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.A.No.3145 of 2021

V.Srinivasan

... Appellant

Vs.

1.The Presiding Officer of the
Additional Labour Court,
Vellore.

2.The Management,
Tamil Nadu State Transport Corporation,
Villupuram (Division II) Ltd.,
Rangapuram,
Vellore – 632 009.

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 28.06.2021 made in W.P.No.29499 of 2010 and consequently, to set aside the termination order dated 20.01.2003 and direct the 2nd respondent Management to treat the appellant as in service after awarding minor punishment and treat him as retired from service, after



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attaining the age of superannuation and pay all the service benefits, backwages including pension.

For Appellant : Mr.R.Rajaram
R1 : Court
For R2 : Mr.M.Aswin
for Mr.G.Saravanakumar

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

The above Writ Appeal is directed against the order dated 28.06.2021 made in W.P.No.29499 of 2010.

2.It is the case of the appellant/writ petitioner that he studied upto 8th Std. and could not join 9th Std. and continue his education due to poverty of his parents. The appellant registered his name in the Employment Exchange in the year 1994. At the time of registration, he produced the Transfer Certificate issued by his School, which shows that the appellant has completed his 8th Std. Since the appellant got Driving Licence and has registered his name in the Employment Exchange for the post of Driver, the



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Employment Exchange sponsored the appellant's name in the year 1996 to the 2nd respondent Transport Corporation. The appellant was thereafter appointed as Driver in the year 1996 on temporary basis and later, he was made permanent in the year 2000.

3. Thereafter, the 2nd respondent issued a charge memo dated 27.07.2001 on the ground that the appellant has produced fake Transfer Certificate. Though the appellant denied the charge in his reply, it is not disputed that the 2nd respondent conducted domestic enquiry and found that the appellant is guilty of the charge. Therefore, after getting a report from the Enquiry Officer, the 2nd respondent Transport Corporation dismissed the appellant from service by order dated 20.01.2003.

4. The appellant raised an Industrial Dispute in I.D.No.273 of 2003 before the Additional Labour Court, Vellore. The Labour Court held that the domestic enquiry held by the 2nd respondent Transport Corporation was null and void, however, the Management was permitted to lead evidence afresh. After holding that the 2nd respondent Transport Corporation has proved the



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charges against the appellant, I.D.No.273 of 2003 was dismissed by the Labour Court.

5.Challenging the Award of Labour Court in I.D.No.273 of 2003, the appellant filed the writ petition in W.P.No.29499 of 2010. Learned Single Judge of this Court, after going through the entire evidence, found that the Award of the Labour Court is perfectly in order.

6.Aggrieved by the order of the learned Single Judge dismissing the writ petition, the above Writ Appeal is filed by the writ petitioner.

7.Learned counsel appearing for the appellant submitted that the appellant was not responsible for the fake certificate and the appellant cannot be charged with any irregularity merely because the certificate produced by him was held to be one not issued by School concerned. Learned counsel for the appellant further submitted that no educational qualification is prescribed for the post of Driver at the time when he joined the service and that therefore, it is not necessary for the appellant to



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fabricate or concoct any document. Learned counsel then submitted that few other Drivers who were charged for similar delinquencies were not given major punishment and therefore, the appellant has been discriminated.

8.This Court is unable to appreciate the first contention of the learned counsel for the appellant for the simple reason that the Labour Court has found that the appellant is responsible for the fake certificate. The evidence of the Headmistress of the School was considered by the Labour Court to hold that the certificate produced by the appellant was not issued by the School. The Headmistress of the School has given evidence before the Labour Court to the effect that, as per the School records, the Admission Number found in the Transfer Certificate was given to one Jamshed Basha who left the School on 20.03.1976 after doing his 11th Std. The Labour Court further found that, in the certificate produced by the appellant which is marked as Ex.M3, the Admission Number had been printed, whereas, in the Transfer Certificates issued by the concerned School, the Admission Number is written in Black Ink by hand. The witness has specifically spoken to the fact that the Admission Numbers cannot be printed in the



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Transfer Certificate. It is also found that the seal of the School affixed in

Ex.M3 produced by the appellant is entirely different from the seal of the School affixed in Ex.M17 issued by the School. All the documents produced before the Labour Court were considered fairly in the light of pleadings and oral evidence of witnesses. The learned Single Judge was unable to find any error of jurisdiction or perversity in the findings of the Labour Court. This Court has also gone through the evidence and finds no reason to interfere with any of the findings. The submission of the learned counsel for the appellant that the reasons given by the Labour Court for fixing responsibility on the appellant is not correct, cannot be appreciated by this Court. When the appellant has produced a certificate, it is for the appellant to prove the same by examining proper witnesses to dislodge the evidence of Headmistress of the School.

9.The second submission of the learned counsel for the appellant cannot be countenanced for the simple reason that the appellant is found to have produced fake certificate. The Labour Court has also found that the certificate produced by the appellant was to prove the age of appellant as



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well as the qualification and that therefore, the appellant would not have got employment without the certificate.

10.The third submission of the learned counsel for the appellant that the petitioner has been discriminated, cannot be countenanced. The Labour Court has also considered this issue and found that the appellant has compared himself with employees of different cadre, i.e., Helpers, where educational qualification is not stipulated. The same yardstick cannot be applied to the appellant.

11.In view of the findings of the Labour Court and the fact that the appellant is unable to substantiate any of his arguments advanced before us, this Court finds no merit in this Appeal. Therefore, **this Writ Appeal is dismissed.** No costs.

(S.S.S.R., J.) (K.R.S., J.)
06.07.2023

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Internet : Yes
Index : Yes / No



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