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W.P.No.525 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.525 of 2019 and
W.M.P.Nos.529 of 2019

The Management,
M/s.Tamil Nadu State Transport Corporation,
(Covai-Division) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.
Represented by the General Manager

... Petitioner

Vs.

R.Veerasamy

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Certiorari, to call for the records of the Principal Labour Court, Coimbatore in I.D.No.16 of 2011, dated 13.02.2018 and quash the same.

For Petitioner : Mr.M.Arun for
for Mr.A.Sundaravadhanam

For Respondent : No appearance

ORDER

The Writ Petitioner is the Tamil Nadu State Transport Corporation (Covai-Division) Limited, Coimbatore. The respondent viz.,



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R.Veerasamy was appointed as a conductor in the Writ Petitioner Corporation. On 10.08.2001, when he was in route Mettupalayam, Coimbatore, he was found having excess cash of Rs.187.50/- by the Checking Inspector. Therefore, a Charge Memo was issued to him and after conducting an enquiry, he was dismissed from service with effect from 16.03.2002. However, the Management did not file any approval petition before the concerned authority under Section 33 (2) (b) of the Industrial Disputes Act, 1947. Subsequently, the respondent raised an Industrial Dispute before the Principal Labour Court, Coimbatore in I.D.No.16/2011 under Section 2(A)(2) of the Industrial Disputes Act. The Labour Court vide his orders dated 13.02.2018, had observed that since the Writ Petitioner/Transport Corporation had not filed any application for approval under Section 33(2)(b) of the Industrial Disputes Act, the order of dismissal is liable to be set aside. The Labour Court further directed the Writ Petitioner to reinstate the respondent/employee into service with continuity of service along with 25% of backwages. Aggrieved over the same, the present Writ Petition is filed.



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2. Mr.M.Arun, learned counsel for the petitioner contended that the respondent has been reinstated into service and that they are disputing the Award only with regard to 25% of backwages.

3. It is seen that the Writ Petitioner did not file any application under Section 33 (2) (b) of the Industrial Disputes Act, seeking approval for dismissing the employee from service. In such circumstances, the Award passed by the Principal Labour Court, Coimbatore cannot be found fault with. Moreover, the Labour Court had granted only 25% of backwages. Hence, I do not see any reason to interfere with the same. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-Speaking order
vum



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vum

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