



WEB COPY



W.P.No.26378 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26378 of 2008

T.Babu

... Petitioner

Vs

1. The Management,
Tamil Nadu Electricity Board
Rep. by the Superintending Engineer,
Coimbatore Electricity Distribution Circle/South,
Coimbatore – 641012.

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

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned award of the Labour Court, Coimbatore (the second respondent herein) in I.D. No. 517/2004 dated 29.06.2007 and quash the same insofar as it holds the charges as proved and denial of back wages on that basis and direct the first respondent to pay back wages for the period of non-employment.

For Petitioner : No appearance



W.P.No.26378 of 2008

WEB COPY

For Respondents : No appearance

ORDER

This Writ Petition has been filed challenging the award dated 29.06.2007, insofar as the denial of back wages.

2. There is no representation for the petitioner when the matter is called today. Though notice has been served, the Respondents have not entered appearance, either in person or through Counsel, till date in this case.

3. The petitioner was appointed as a Helper by the first respondent with effect from 02.09.1992. While that being so, the petitioner was issued show cause notice dated 04.09.2002, alleging that the petitioner, one of the consumers, was involved in damaging the disc in the meter. Thereafter, the petitioner was served with charge memo and enquiry was conducted. During the enquiry, the charges were held proved. In view of the enquiry report, the petitioner was dismissed from service. Based on the enquiry, the petitioner was issued show cause notice, but the petitioner could not be imposed, after



W.P.No.26378 of 2008

WEB COPY

receipt of the explanation from the petitioner, the first respondent imposed punishment of compulsory retirement by order dated 27.01.2004. Aggrieved by the same, the petitioner filed an appeal, and it was also rejected. Therefore, the petitioner raised the industrial dispute and 2-A (2) of the Industrial Disputes Act, 1947, before the Labour Court, Coimbatore. The Labour Court, by award dated 29.06.2007, holding that the findings of the Enquiry Officer were corrected and charges proved. However, the Labour Court directed the first respondent to reinstate the petitioner with all attendant benefits, such as promotion, annual increment, etc., for the period of non-employment, but without back wages. The petitioner was thereby granted other attendant benefits, such as promotion and annual increment, for the non-employment period.

5. Admittedly, the petitioner was not engaged from 27.01.2004 till the award dated 29.06.2007. Therefore, the petitioner was rightly not paid any back wages. Therefore, this Court finds no infirmity or illegality in the award passed by the second respondent. Hence, the Writ Petition is devoid of merits and it is liable to be dismissed.



W.P.No.26378 of 2008

6. In the result, this Writ Petition is dismissed. No costs.

16.08.2024

Index:Yes/No
Neutral Citation/Yes/No
kv

To

1. The Superintending Engineer, The Management,
Tamil Nadu Electricity Board,
Coimbatore Electricity Distribution Circle/South,
Coimbatore – 641012.
2. The Presiding Officer,
Labour Court, Coimbatore,
Coimbatore District.



WEB COPY



W.P.No.26378 of 2008

G.K.ILANTHIRAIYAN, J.

kv

W.P.No.26378 of 2008

16.08.2024