



WEB COPY



W.P.No.15523 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.15523 of 2010

K.Natarajan (Deceased)

1. N.Pandiyammal
2. N.Dhanalakshmi
3. N.Mohana,
4. N.Inbarasu

...

Petitioners

/Vs./

1. The Presiding Officer,
Labour Court,
Coimbatore.
2. The Management,
Tamilnadu State Transport
Corporation Division – I Ltd.,
(Now renamed as Tamilnadu State
Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore.

... Respondents



W.P.No.15523 of 2010

Writ Petition is filed under Article 226 of the Constitution of India to

issue a writ of certiorarified mandamus to call for the records pertaining to the preliminary order dated 17.04.2003 and the final award dated 12.04.2004 passed by the first respondent in I.D.No.679/1999, quash the same and consequently direct the second respondent to pay the petitioners back wages and other attendant benefits from the date of dismissal to the date of death, the terminal benefits, PF, Gratuity, Family Pension and other death benefits and also to provide compassionate appointment, award costs.

For Petitioner	...	Mrs.V.Porkodi for Mr.V.Ajay Khose
For R1	...	Labour Court
For R2	...	Mr.A.Sundaravadanam Standing counsel

ORDER

Heard Mrs.V.Porkodi, the learned counsel for the petitioner and Mr.A.Sundaravadanam, the learned Standing Counsel for R2.

2. The petitioner has filed this writ petition challenging the award of



W.P.No.15523 of 2010

the Labour Court dated 12.04.2004 made in I.D.No.679/1999.

WEB COPY

3. The petitioner has been subjected to disciplinary proceedings on the charges that he assaulted his superior officers. In the result of the enquiry, charges have been proved and thereafter, the petitioner was imposed with the punishment of dismissal from service. The petitioner has raised an Industrial Dispute by stating that the order of dismissal is illegal.

4. Mrs.V.Porkodi, the learned counsel for the petitioner, submitted that the petitioner has been given with false charges and the Labour Court has not appreciated the material in a proper prospective.

5. Mr.A.Sundaravadanam, the learned counsel for the second respondent, submitted that the learned Labour Judge has appreciated the matter in a correct perspective on the basis of the record and there is no need for any interference.

6. On perusal of the impugned order it is seen that the petitioner has raised the defense that he was not on duty and the allegation are



W.P.No.15523 of 2010

fundamentally false. However, the Labour Court has relied on the evidence of the co-worker with whom the petitioner himself has put questions stating that “When they were working”. From the above words used during the cross-examination, the Labour Judge presumed about the presence of the petitioner in the workplace during the relevant point of time and has also given convincing reasons to prove the same. As such the petitioner did not prove before the Court that there was some previous motive against him in order to level false charges against him. After having satisfied on the basis of the materials and appreciating the matter in the right perspective including the quantum of punishment commensurate with the charges, the Labour Court has rightly held that the petitioner did not make out any case to show that the order of dismissal is illegal.

7. Since the above appreciation on the basis of the records does not suffer from any factual or legal infirmity, it does not require any interference. Hence, the writ petition is liable to be dismissed.

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



W.P.No.15523 of 2010

25.09.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation Case: Yes / No

bkn

To:

The Presiding Officer,
Labour Court,
Coimbatore.



WEB COPY



W.P.No.15523 of 2010

R.N.MANJULA ,J.

bkn

W.P.No.15523 of 2010

25.09.2024