



WEB COPY

W.P.No.24584 of 2024
and W.M.P.No.26906 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.24584 of 2024
and W.M.P.No.26906 of 2024

The Management of
Tamil Nadu State Transport
Corporation (Kovai Region) Ltd.
No.37, Mettupalayam Road,
Coimbatore - 641 043.

...

Petitioner

versus

N.Palanisamy

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the Award made in I.D.No.90 of 2022 dated 27.10.2023 on the file of the Principal Labour Court, Coimbatore, and quash the same.

For Petitioner : Mr.T.Chandrasekaran

For Respondent : Mr.V.Ajoy Khose



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ORDER

The Writ Petition has been filed challenging the order of the learned Presiding Officer, Principal Labour Court, Coimbatore made in I.D.No.90 of 2022 dated 27.10.2023, by ordering reinstatement of the respondent into service with continuity of service but from 26.02.2020 without backwages.

2. Heard Mr.T.Chandrasekaran, learned counsel for the petitioner and Mr.V.Ajoy Khose, learned counsel for the respondent and perused the materials available on record.

3. Mr.T.Chandrasekaran, learned counsel for the petitioner submitted that despite the Court has observed about the repeated disciplinary action taken against the petitioner for his willful absence for more than 26 times; but passed the award in his favour. It is further submitted that the petitioner himself has submitted resignation letter and the Court has found fault with the Management for accepting the resignation offered by him.



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4. On perusal of the records, it is seen that the workman/respondent has been subjected to disciplinary action during earlier occasions and suffered punishment for his willful absence. However, the termination did not proceed by any domestic enquiry but on the basis of the alleged resignation letter submitted by the workman. The one and only observation in this regard but which is vital is that, the resignation letter was obtained by the respondent by the security council due to some dubious means and hence, it is not proper.

5. No doubt, the Management is at liberty to initiate action against an erring employee and especially, an employee who does not report to duty and had caused inconvenience due to frequent absence. However, such action ought to have been taken by following the due procedure. The Court has allowed I.D.No.90 of 2022 raised by the respondent only on that ground and in my view, that does not suffer from any infirmity or illegality. The Court has rightly rejected the respondent's claim for backwages and all other attendant benefits, but the relief is restricted only in respect of reinstatement with continuity of service and hence, I do not find any grounds to interfere



with the order passed by the learned Presiding Officer, Principal Labour
Court, Coimbatore.

6. In the result, this Writ Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

28.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

sri

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