



WEB COPY



W.A.No.1938 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Writ Appeal No.1938 of 2021
and
C.M.P.No.12536 of 2021

Air India Limited,
Represented by its General Manager (P)
Airlines House,
Meenambakkam,
Chennai – 600 027.

(Cause title amended *vide* order dated 26.03.2024
in C.M.P.No.16946 of 2021 in W.A.No.1938 of
2021 by SMSJ & KRSJ)

... Appellant

Vs.

1.The Central Government Industrial
Tribunal cum Labour Court,
Represented by its Presiding Officer, Shastri Bhavan,
Haddows Road, Chennai – 600 006.

2.Indira Tamilarasan,
Flat No.A1, No.156, New Tech Ruby,
94th Sector, K.K.Nagar,
Chennai – 600 078.

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 27.06.2019 passed in W.P.No.20233 of 2010.

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For Appellant : Mr.V.Stalin
For R1 : Tribunal cum Labour Court
For R2 : No appearance

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The intra-Court appeal on hand has been instituted challenging the order dated 27.06.2019 passed in W.P.No.20233 of 2010.

2. The 2nd respondent was employed as Traffic Assistant in erstwhile Indian Airlines Management.

3. The appellant/management received a complaint that the 2nd respondent was a Director of Company in violation of the Conduct Rules. A charge sheet dated 11.02.2005 was issued and a department enquiry was conducted. The 2nd respondent took a defence that she was representing the



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minor children, who were the Directors of the Company. Therefore, she acted as a guardian of the minors and she was not directly engaged as a Director of the Company, which was owned by her husband. Not accepting the explanation, an enquiry was ordered and based on the Enquiry Report, the 2nd respondent was removed from the service on 23.01.2007. The 2nd respondent raised an industrial dispute in I.D.No.8 of 2009 and an award was passed in favour of the 2nd respondent dated 13.04.2010. The punishment of removal from service was set aside and an order of reinstatement was issued with 75% back wages.

4. Mr.V.Stalin, learned Counsel for the appellant/management would submit that the benefits due to the 2nd respondent during the relevant point of time after dismissal order was settled.

5. The appeal was filed mainly on the ground that the writ court modified the punishment of removal from service to that of compulsory retirement.



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6. The learned Counsel for the appellant/management would submit that the punishment of compulsory retirement cannot be implemented, in view of the fact that there is no such punishment contemplated under the Standing Orders.

7. Though, notice had been served to the 2nd respondent none appeared.

8. It is brought to the notice of this Court that the settlement to a sum of Rs.30,00,000/- due to the 2nd respondent had already been settled. That being so, we are of the considered opinion that the modified punishment would have no implication and the workmen will not get any better benefit than that of the benefits already settled in her favour.



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9. Therefore, we are not inclined to consider the other grounds raised in the writ appeal. Consequently, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S.J.] [K.R.S.J.]
26.03.2024
(2/2)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1.The Central Government Industrial
Tribunal cum Labour Court,
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Haddows Road, Chennai – 600 006.



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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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Judgment in
W.A.No.1938 of 2021

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(2/2)