



W.A(MD) No.1449 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 07.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.A(MD) No.1449 of 2018

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-pass Road,
Madurai-625 010.

... Appellant

Vs

1.M.Chitram Pillai

2.The Presiding Officer,
Labour Court,
Madurai.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 21.06.2012 in W.P.(MD)No.8819 of 2008 on the file of this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : no appearance
for R1



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ORDER

WEB COPY (Order of the Court was made by **G.R.SWAMINATHAN, J.**)

This intra-court appeal is directed against the order dated 21.06.2012 dismissing W.P.(MD)No.8819 of 2008 filed by the management. Though the employee has been served and his name is also printed in the cause list, there is no appearance on his behalf.

2. The first respondent herein, namely, Chitram Pillai was appointed as driver in the appellant corporation on 01.05.1981. During 1991, complaint was received from one Loganathan alleging that the first respondent herein had secured employment by furnishing bogus educational certificate. According to the complaint, the actual date of birth of the first respondent was 15.05.1936. But he made correction in the educational certificate as if he was born on 15.05.1943. Enquiry was conducted based on the complaint and the first respondent was dismissed from service. The first respondent raised industrial dispute and the matter was eventually referred to the Labour Court, Madurai and the case was taken up as I.D.No.174 of 1997. Before the Labour Court, the employee did not examine himself. However, on behalf of the



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management, as many as 12 exhibits were marked (Ex.M1 to Ex.M12).

The Labour Court after a detailed consideration of the evidence on record partly allowed I.D.No.174 of 1997 vide award dated 09.10.2007. Since the employee had crossed the age of superannuation, reinstatement was not ordered. However, 50% of the backwages was ordered. Punishment imposed on the employee was also set aside. Challenging the said award, the Management filed W.P.(MD)No.8819 of 2008. The writ petition was dismissed vide order dated 21.06.2012. Challenging the same, this writ appeal has been filed.

3. The learned counsel appearing for the appellant corporation reiterated all the contentions set out in the memorandum of grounds of writ appeal. He pointed out that fraud would vitiate everything and that a person who secured employment by furnishing bogus certificate ought not to be shown any indulgence. He called upon this Court to set aside the impugned order as well as the award passed by the labour Court.

4. We are not swayed by the said submission. The labour court had not rendered any finding of guilt against the employee. In fact, it



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categorically observed that the management failed to bring home the charge against the employee. The learned single Judge also had noted that the complainant / Loganathan was not examined as a witness. There is nothing on record to show that the employee had furnished bogus educational certificate. In exercise of jurisdiction under Clause 15 of Letters Patent, we are not satisfied that there is any perversity in the findings of the Labour Court. In this view of the matter, the impugned order is sustained. The Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
07.11.2024

Index : Yes / No
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