



W.P.No.21110 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.21110 of 2010

and

M.P.No.1 of 2010

Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep.by its Managing Director,
No.12, Ramakrishna Road,
Salem – 636 007.

...Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Salem.
2. V.Gourappan
3. The Chief Educational Officer,
Salem Main Road, Near RTO Office, Virupakshipuram,
Dharmapuri – 636 701.
4. The Chief Educational Officer,
Veerappa Nagar, Krishnagiri HO, Krishnagiri – 636 001.
5. The District Educational Officer,
Inside Government Boys Higher Secondary School
Complex, Krishnagiri HO, Krishnagiri – 635 001.
(R5-Impleaded as per Order dated 3/1/2020 made in
W.M.P.No.36268/2019 in W.P.No.21110/2010)

...Respondents

Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Writ of certiorari to call for the records of the 1st



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respondent in I.D.No.657/2004 dated 16.12.2008 and quash the same.

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For Petitioner : Mr.M.Aswin

For Respondents : Mrs.S.Mythreye Chandren, Spl.GP
for R3 to R5

Mr.M.Selvam for R2

ORDER

The petitioner has filed this Writ petition seeking to quash the order of 1st respondent in I.D.No.657/2004 dated 16.12.2008.

2. The petitioner / Transport Corporation has filed this writ petition questioning the genuineness and correctness of the order passed by the Labour Court in I.D.No.657/2004 dated 16.12.2008.

3. In the affidavit filed in support of the writ petition, the petitioner has stated that the second respondent was sponsored by the District Employment Officer, Krishnagiri on 18.07.1997 and he was appointed as a trainee driver. After training period, he was appointed on daily wages on 14.10.1997.

4. While so, the school transfer certificate submitted by the second



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respondent was sent to the District Educational Officer, Krishnagiri, for verification. The said authority reported that the said certificate was a bogus one. As per clause No.9 of the Terms and Conditions of appointment issued to the second respondent, it has been clearly mentioned that in case of any malpractice, the workman would be terminated from service without any prior notice. However, a show-cause notice dated 15.10.1998 was issued to the second respondent as to why he should not be terminated. Instead of giving a reply, the second respondent was seeking time under one pretext or the other. The second respondent was ultimately dismissed from service on 27.02.1999.

5. The second respondent raised an industrial dispute, which was taken on file as ID No.657 of 2004 on the file of the first respondent. The first respondent passed an award dated 16.12.2008, ordering reinstatement with continuity of service and back wages along with other monetary benefits. Challenging the said order, the present writ petition has been filed.

6. The learned counsel for the petitioner submits that the Tribunal grossly erred in disbelieving the case put forth by the petitioner and



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ordered for reinstatement of second respondent. The petitioner has demonstrated before the Labour Court that the so called transfer certificate produced by the second respondent was fake.

7. Among other grounds, learned Tribunal has referred to the evidence of RW1 and held that at the time of verification by the management all the documents were intact.

8. It is the general practice in any organisation to first collect certificates produced by the employees at the time of joining service. Only later, those certificates would be sent for verification.

9. The learned Tribunal has also made an observation that the petitioner has not received any complain about the driving of the second respondent. In short, the Labour Court was of the opinion that since the second respondent was not involved in any misconduct during his employment, the petitioner has taken a serious view of the projection of fake transfer certificate and dismissed him from service.

10. This Court does not approve any of the findings given by the



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Labour Court. When minimum qualification are prescribed for a job, if he fails to meet his standard requirements, he cannot be considered for appointment. The stand taken by the petitioner is absolutely justified. Moreover, this Court vide order dated 04.02.2025 directed the 4th respondent Chief Educational Officer, Krishnagiri District to file Status report as regarding the genuineness of the transfer certificate produced by the second respondent. In Paragraph No.6 of the Status Report, the 4th respondent has stated that the name of the second respondent was not found in 8th standard Attendance Register in the Academic year 1982 – 1983 and as such it was found that the transfer certificate submitted by him was found to be not genuine.

11. The second respondent has not chosen to file any rejoinder disputing the said facts.

12. Therefore, for the forgoing reasons, this Court has no hesitation to hold that the award passed by the Labour Court is not correct and same requires interference by this Court.

13. In result, the Writ Petition is allowed and the award dated



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16.12.2008 in I.D.No.657/2004 is quashed. No costs. Consequently,
connected miscellaneous petition is closed.

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NCC : Yes/No

Speaking Order : Yes/No

To:

1. The Presiding Officer, Labour Court, Salem.
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