



W.P. No. 24632 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P. No. 24632 of 2012

The Chairman
The Chennai Port Trust
Chennai-600001.

... Petitioner

-VS-

1. The Presiding Officer
Central Government Industrial Tribunal
cum Labour Court, Chennai.

2. The General Secretary
Madras Port Trust Employees Union
Antony Pillai Bhavan
No.9, Second Line Beach
Chennai – 600001.

3. K.Vijayaraghavan
[R3-impleaded as per order dated 07.12.2012
by this Court in M.P. No. 2 of 2012 in W.P.
No.24632 of 2012.]

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records connected with I.D. No. 413 of 2001 on the file of the first respondent, Central Industrial Tribunal, Chennai and to quash the award dated 08.12.2011 made therein.

For Petitioner : Mr.M.R.Dharanichander
For Respondents : Mr.K.M.Ramesh, Senior Counsel
for Mr.V.Subramani (R3)
R1 & R2 – No appearance



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ORDER

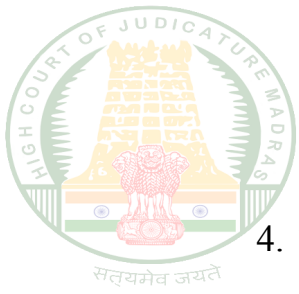
This writ petition has been filed to call for the records connected with I.D.

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No. 413 of 2001 on the file of the first respondent, Central Industrial Tribunal, Chennai and to quash the award dated 08.12.2011 made therein.

2. Heard Mr.M.R.Dharanichander, learned counsel for the petitioner and Mr.K.M.Ramesh, Senior Counsel assisted by Mr.V.Subramani, learned counsel for the third respondent and perused the materials placed on record, apart from the pleadings of the parties.

3. It is the case of the petitioner that the one Vijayaraghavan was appointed as driver w.e.f. 12.10.1981. At the time of joining the serves, he produced the school certificate and driving license to the petitioner. On verification, it was found that the said school certificate is bogus one. Thereby, the petitioner Union suspended the member. After conducting enquiry, the respondent union member was dismissed from service. Challenging the order of dismissal, the Union raised an industrial dispute before the Labour Court. The Labour Court directed the petitioner Trust to pay 25% backwages from the date of his dismissal from service. Challenging the said order, the petitioner Trust has filed the present writ petition before this Court.



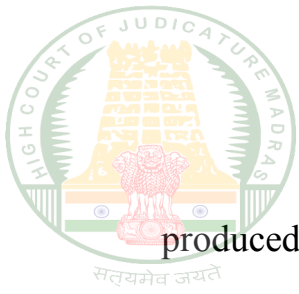
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4. The learned counsel for the petitioner submitted that during enquiry, the respondent Union member has accepted that the school certificate produced at that time of joining duty was bogus one. The said enquiry report was filed before the Labour Court. Based on which, the Labour Court has rejected reinstatement and ordered 25% backwages. The petitioner is not entitled to get backwages also. Hence, the learned counsel prays to set aside the order of the Labour Court and allow this appeal.

5. The learned counsel for the second respondent submitted that for the driver post, the minimum qualification is 5th standard and driving licesnse. Based on this qualification, the employment was given to the individual. After lapse of ten years, the petitioner Trust sent the certificates for verification. The father of the individual has produced the certificates at that time of joining. Without giving any opportunity to the workman, the enquiry was conducted and dismissed from service. Therefore, this Court may dismissed the writ petition.

6. Heard the learned counsel for the petitioner and the respondent and perused the materials available on record.

7. The facts of the case are not in dispute. Admittedly, the worker has



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produced the bogus school certificate and that charges are proved both before the enquiry officer and before the Labour Court. The Labour Court has rightly appreciated the issue and dismissed the petition as a person who got an employment on the basis of the false certificate by playing fraud, which is perfectly in order and the same needs no interference. After lapse of seven years, there is no possibility for reinstatement to the individual.

8. This Court directs the petitioner to pay a sum of Rs.1,44,000/- as 25% backwages before the Labour Court within a period of four weeks from the date of receipt of a copy of this order and the petitioner is further directed to pay entire terminal benefits to the individual, if any. Upon receipt of the said amount, the workman is entitled to withdraw the same.

9. With the above direction, this writ petition is dismissed. There shall be no order as to costs.

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Index: Yes/No

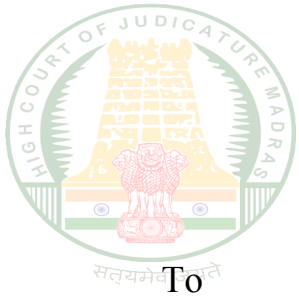
Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

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To
The Presiding Officer
Central Government Industrial Tribunal
cum Labour Court, Chennai.



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M.DHANDAPANI, J.

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