



W.P.No.23583 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.23583 of 2015

and

W.M.P.No.16932 of 2016

The Management,
Tamilnadu State Transport Corporation (Salem Division),
Dharmapuri Division,
Bharathipuram, Dharmapuri - 05,
Rep. by its General Manager ... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Salem.

2.G.Marimuthu ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records passed by the 1st respondent in I.D.No.49 of 2009 dated 01.02.2014 and to quash the same as illegal.

For Petitioner : Mr.M.Aswin

For Respondents : Labour Court [R1]
Mr.M.Selvam [R2]



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ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the records passed by the 1st respondent in I.D.No.49 of 2009 dated 01.02.2014 and to quash the same as illegal.

2. The case of the petitioner/management is that, the 2nd respondent/workman was selected under the Scheduled Tribe quota and appointed as daily paid conductor in the petitioner Corporation on 08.09.1997 and his services were regularized w.e.f. 01.07.1998. In the appointment order issued to respondent, there was a specific term was agreed that if any of the details pertaining to the appointment was found to be bogus in future, the order of appointment was agreed to be cancelled. At the time of appointment, the 2nd respondent has produced bogus community certificate, in which, it was mentioned that the 2nd respondent belongs to Kurmans Community, which is recognized as Scheduled Tribe at the time of appointment. Whileso, a report was received from Inspector of Police, District Crime Branch, Krishnagiri District that the 2nd respondent has produced bogus community certificate. In order to verify the genuineness of the community



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certificate, the 2nd respondent was directed to produce the Original Community Certificate, however, the 2nd respondent never come forward to produce the original community certificate and informed that the original community certificate was lost while shifting his residence from one place to other. Subsequently, a charge memo dated 24.11.2005 was issued to the 2nd respondent and after conducting enquiry, he was dismissed from service on 12.10.2006. Challenging the order of dismissal, the 2nd respondent had raised an Industrial Dispute before the 1st respondent/Labour Court in I.D.No.49 of 2008 and the Labour Court passed an award dated 01.02.2014 by setting aside the order of dismissal and directed the petitioner Corporation to reinstate the 2nd respondent into service with continuity of service but without backwages. Aggrieved by the same, the petitioner Corporation has filed the present writ petition before this Court.

3. Learned counsel appearing for the petitioner/Corporation submitted that, the 2nd respondent was appointed in the year 1987 and at the time of appointment, the 2nd respondent produced Community Certificate issued by the Revenue Divisional Officer. Subsequently, an official communication received from the Inspector of Police, District



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Crime Branch, Krishnagiri and on that basis, enquiry was conducted, however, during the enquiry, the 2nd respondent did not produce the original Community Certificate, enabling the petitioner to send the same for verification, thereby, the Enquiry Officer drawn a proven minute, which ended in dismissal. Without considering the above aspects, the Labour Court passed an award, directing the petitioner to reinstate the 2nd respondent with continuity of service, but without backwages, which is wholly unsustainable and the same is liable to be interfered with. Accordingly, he prays for allowing this writ petition.

4. Per contra, learned counsel for the 2nd respondent/workman submitted that, the departmental proceedings was initiated for non-production of Community Certificate and for the allegation that the 2nd respondent produced the bogus Community Certificate. He further submitted that though the 2nd respondent has produced the community certificate in the year 1987 at the time of appointment, however, the departmental enquiry was initiated as against the 2nd respondent after a lapse of 8 years, which is beyond the period of limitation. Further, he submitted that, the petitioner management claimed that, on the basis of the letter received from the Inspector of Police, District Crime Branch,



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Krishnagiri, they have initiated the disciplinary proceedings as against the 2nd respondent. However, the said Inspector of Police, Krishnagiri was not examined before the Enquiry Officer and even the RDO, who alleged to have issued the Community Certificate in favour of the 2nd respondent was also not examined before the Enquiry Officer, to substantiate that the Community Certificate produced by the 2nd respondent is bogus one. In the absence of any evidence, after a period of 8 years, initiating disciplinary proceedings and dismissing the 2nd respondent from service is not sustainable. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel appearing for the petitioner Corporation as well as the 2nd respondent/workman and also perused the materials available on record.

6. Admittedly, the 2nd respondent/workman entered the services of the petitioner Corporation as Daily Paid Conductor in the year 1998. Whiles, it is alleged that a report was received from the Inspector of Police, District Crime Branch, Krishnagiri that the 2nd respondent had produced bogus community certificate at the time of his appointment,



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thereby, the 2nd respondent was directed to produce the original community certificate, however, the 2nd respondent has not come forward to produce the original community certificate before the petitioner. Thereafter, disciplinary proceedings was initiated against the 2nd respondent and he was dismissed from service, against which, the 2nd respondent/workman raised a dispute before the Labour Court and Labour Court passed an award in favour of the 2nd respondent.

7. Though the petitioner/management claimed that, on the basis of the report received from the Inspector of Police, District Crime Branch, Krishnagiri, they have initiated the disciplinary proceedings as against the 2nd respondent, however, either the said Inspector of Police or the RDO, who alleged to have issued the Community Certificate in favour of the 2nd respondent, were not examined before the Enquiry Officer, to substantiate that the 2nd respondent has produced a bogus community certificate to the petitioner at the time of appointment. In the absence of any evidence, initiating disciplinary proceedings and dismissing the 2nd respondent from service after a period of 8 years, is *per se* unsustainable, thereby, the Labour Court ordered for reinstatement with continuity of service but without backwages, in favour of the 2nd respondent, which



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cannot be said to be perverse, illegal or arbitrary. Hence, this Court is not inclined to interfere with the same and this writ petition is liable to be dismissed.

8. Accordingly, this Writ Petition is dismissed. No costs.
Consequently, the connected writ miscellaneous petition is closed.

04.03.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

The Presiding Officer,
Labour Court,
Salem.



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M.DHANDAPANI, J.

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