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W.P.No.8007 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8007 of 2011

And

M.P.No.1 of 2011

The Management
Sri Bharathi Motor Service
72, Subba Rao Street,
Sholingur – 631 102.

... Petitioner

Vs.

1.The Presiding Officer
Labour Court,
Vellore.

2.Nagarajan

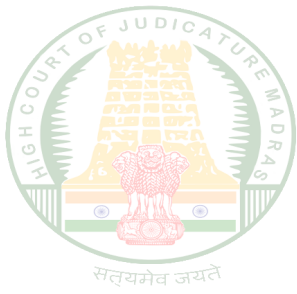
... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the first respondent Court in I.D.No.1 of 2006 and quash its impugned part of the award of compensation of Rs.1.00 Lakh passed on 08.12.2010.

For Petitioner : Mr.M.Karthikeyan
for M/s.M.Munian

For Respondents : R1 – Court
R2 – No Appearance



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records of the first respondent in I.D.No.1 of 2006 and quash its impugned part of the award of compensation of Rs.1.00 Lakh passed on 08.12.2010.

2.The learned counsel appearing for the petitioner submitted that the second respondent was not working as conductor in the petitioner company and he was employed as loadman on contract basis and he is not a permanent employee, however, the second respondent raised industrial dispute claiming that he was appointed as conductor in the petitioner company on 15.01.1996 and he was terminated on 03.06.2003 without assigning any reason and the termination is in violation of Section 25 F of the Industrial Disputes Act.

3.The learned counsel appearing for the petitioner further submitted that the second respondent worked in Kanaga Lakshmi Motor Service which is a different Management and that was established before the Labour Court, even then the Labour Court



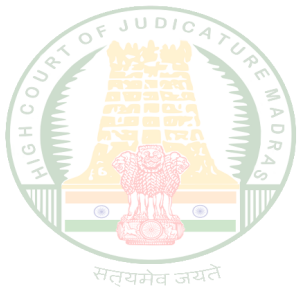
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directed the petitioner to pay a sum of Rs.1 Lakh as compensation to the second respondent, which is not sustainable one.

4.Though the name of the second respondent is printed in the cause list, there is no representation for the second respondent. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

5.Admittedly, the second respondent raised industrial dispute claiming that he was appointed as conductor in the petitioner company during the year 1996 and he was orally terminated during the year 2003 on the ground that termination order was passed without conducting any departmental or domestic enquiry and the same is contrary to Section 25 F of the Industrial Disputes Act.

6.Perusal of records reveal that M.W.2 in his cross examination has deposed that driver and conductor of the bus signed in the log sheet and he saw the second respondent in the petitioner company during January, 2006. The Labour Court considering the oral and documentary evidence of the parties arrived at the conclusion that the



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second respondent worked as conductor in the petitioner company and that the relationship between the petitioner and the second respondent is not good and hence, the Labour Court by invoking its discretionary power under Section 11 A of the Industrial Disputes Act, directed the petitioner to pay a sum of Rs.1 Lakh as compensation to the second respondent, which is just and reasonable. The impugned order of the Labour Court is neither perverse nor arbitrary.

7.The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

13.02.2025

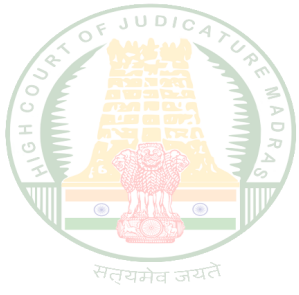
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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Presiding Officer
Labour Court,
Vellore.

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M.DHANDAPANI,J.
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