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W.P.No.13572 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.13572 of 2018
and W.M.P.Nos.15989 of 2018 and 18389 of 2021**

The Managing Director,
M/s.State Express Transport Corporation,
Pallavan Salai,
Chennai-600 002.

... Petitioner

Vs.

1.Vanajamunian

2.The Presiding Officer,
The Industrial Tribunal cum Labour Court,
Puducherry.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the award passed by the second respondent in I.D.No.101 of 2012 dated 03.03.2018.



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For Petitioner : Mr.K.Kathiresan
For Respondents : Mr.S.Kasirajan for R1
R2-Court

ORDER

The petitioner, namely, State Express Transport Corporation, is before this Court challenging the award dated 03.03.2018 passed in I.D.(L).No.101 of 2012 by the second respondent/Labour Court.

2. By the said award, the Labour Court has allowed the Industrial Dispute filed by the first respondent directing the petitioner Corporation to pay two additional increments to the first respondent from September 2000 for completion of post graduation and also to pay children education allowance to the first respondent and also to give pay revision as per the Settlement arrived at between the Management and the employees union to the first respondent as claimed in the claim petition.

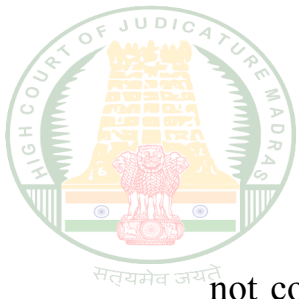
3. The learned counsel appearing for the petitioner Corporation submits that the first respondent was working as Conductor and joined in



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the service with SSLC qualification. The Service Rules of the Corporation enumerates that the minimum qualification for the post of Conductor is pass in SSLC. The Rules of the Corporation is that an employee who wants to pursue higher study has to obtain prior permission. However, the first respondent has not obtained permission from the Corporation to acquire higher qualification, namely, M.A.Sociology. That apart, the request of the first respondent to enter his M.A.Sociology degree in his service register was summarily rejected by the petitioner Corporation. The second ground raised by the learned counsel appearing for the petitioner is that the Post Graduation qualification should be obtained by passing 10+2+3+2 only. However, the second respondent has acquired higher qualification as direct Post Graduate qualification without obtaining UG Degree. The third ground of the challenge to the impugned award is that the first respondent who is alleged to have passed M.A Degree in the year 2000 has approached the Court only in the year 2012 after a lapse of 12 years and therefore, the Industrial Dispute itself is barred by limitation. The learned counsel appearing for the petitioner further submitted that the first respondent has



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not come before the Court with clean hands as he has averred in the claim petition that he has rendered unblemished service in the petitioner Corporation. However, he has been punished for more than 36 times in his entire service which ended in awarding major punishments also. Citing the above grounds, the learned counsel appearing for the petitioner submitted that the Labour Court has erred in granting relief to the second respondent, without going into the facts and circumstances of the case. Therefore, the learned counsel seeks to set aside the impugned award.

4. The learned counsel appearing for the second respondent submitted that the second respondent joined as Conductor in the petitioner Corporation since 1989 and has completed 25 years of service. As per the Wage Settlement arrived at between the petitioner Corporation and the employees Union, the petitioner Corporation has agreed to extend the financial assistance to the children of the employees and the wage increments for completion of post graduation qualification and also pay revision from time to time. He has raised the Industrial Dispute on the sole



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ground that the petitioner Corporation has not acted in accordance with the Wage Settlement arrived at between the employees Union and the petitioner Corporation. Before the Labour Court, he has marked as many as 24 documents to substantiate his stand. The Labour Court, after considering the facts and circumstances of the case as well as oral and documentary evidence placed before the Forum, has allowed the Industrial Dispute. The learned counsel appearing for the second respondent relied on the Settlement arrived under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 which contains provision for education allowance and that the question of limitation was only raised in the conciliation proceedings before the Labour Court. It is not open to the petitioner Corporation to raise the question of limitation before this Court and it is barred by the principles of *res judicata*. Therefore, the learned counsel appearing for the second respondent submitted that the award passed by the Labour Court has to be set aside and the writ petition has to be dismissed.



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5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

6. Admittedly, the first respondent was working in the petitioner Corporation for 25 years as Conductor and he has applied for two additional increments as he has completed M.A.Sociology at Annamalai University through distance education. He has also applied for education allowance for his daughter for the period from 2006 to 2010 which was denied by the petitioner Corporation citing the financial crisis existed in the petitioner Corporation. Challenging the rejection of his request for two additional increments and education allowance, the first respondent raised I.D.No.101 of 2012 before the Labour Court and it was allowed which is under challenge in this writ petition.



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7. It is not in dispute that the first respondent has obtained M.A.Sociology at Annamalai University through distance education in the year 2000. In fact, at the time of his appointment, the basic qualification required for the post of Conductor is SSLC. Though he obtained Master Degree and he has submitted various letters between 2004 and 2008 to incorporate the same in his service register, the same was rejected by the Management, citing that no prior permission was obtained before pursuing the Course. That apart, this Court has held in the case of ***N.Ramesh vs.Sibi Madan Gabriel*** reported in ***2008 3 MLJ 255*** that the Post-Graduate degree obtained through Open University without undergoing the basic degree is not acceptable. This decision was upheld by the Hon'ble Apex Court in ***2009 4 SCC 490*** in the case of ***Annamalai University vs. Secretary to Government, Information and Tourism Department***. Therefore, this Court has no hesitation to hold that the award passed by the Labour Court suffers from infirmity and has to be set aside.



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8. Accordingly, this Writ Petition is allowed and the award dated 03.03.2018 passed in I.D.No.101 of 2012 by the second respondent is set aside. There shall be no order as to costs. Connected miscellaneous petitions are closed.

01.04.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Presiding Officer,
The Industrial Tribunal cum Labour Court,
Puducherry.



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M.DHANDAPANI, J.

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