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W.A.No.35 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.35 of 2025

and

C.M.P.No.239 of 2025

The Management,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Division,
Barathipuram, Dharmapuri - 05,
Rep. by its General Manager

... Appellant

Vs.

1.P.Manivannan

2.The Presiding Officer,
Labour Court,
Salem.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to
set aside the order dated 10.07.2023 in W.P.No.34942 of 2014.

For Appellant : Mr.M.Aswin

For 1st Respondent : Mr.R.M.D.Nazurulla.



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J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

The Management is on appeal. Challenge is to the order of the learned Single Judge made in W.P.No.34942 of 2014 affirming the award of the labour Court in I.D.No.64 of 2007 dated 02.12.2013.

2. The 1st respondent joined as a driver in the appellant Corporation on 26.11.1992 on a daily wage basis and his services were confirmed on 01.10.1993. After almost 10 years, the Management took upon its task of verifying the certificate regarding the Educational qualification produced by the 1st respondent. On information received from the Chief Educational Officer, Vellore to the effect that there is no School by name Government High School, Naganur, functioning in the Vellore District, the 1st respondent was terminated after conducting an enquiry.

3. An Industrial Dispute was raised by the 1st respondent. The labour Court concluded that the enquiry was not fair and proper, therefore evidence was let in before the labour Court. Upon examination of the evidence, the



labour Court came to the conclusion that the Management had not proved its case that the certificate is not genuine.

4. This conclusion of the labour Court was based on the evidence, particularly, the cross-examination of the Management witness where he had admitted that the certificate shows that the Government High School, Naganur is situate in North Arcot District. North Arcot District was bifurcated into Vellore and Tiruvannamalai Districts in the year 1989. No effort was taken by the Management to verify with the Chief Educational Officer of the Tiruvannamalai District. On the aforesaid admission the labour Court found that the charge has not been proved. On the said finding, the labour Court directed reinstatement with continuity of service and without back-wages.

5. The award was subject to challenge before this Court in the above Writ Petition. The learned Single Judge agreed with the conclusions of the labour Court and dismissed the Writ Petitioner. Hence, this Appeal.

6. We have heard Mr.M.Aswin, learned counsel appearing for the appellant and Mr.R.M.D.Nazurullah, learned counsel appearing for the 1st



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respondent.

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7. Mr.M.Aswin, learned counsel appearing for the appellant would vehemently contend that a person who has produced a false certificate cannot be encouraged and therefore the labour Court was not right in setting aside the order of dismissal and directing reinstatement. He would also rely upon certain communications in the year 2018 where the Chief Educational Officer, Tiruvannamalai has stated that there is no such school called Naganur Government High School in Tiruvannamalai District also.

8. We do not think we can base our conclusion on the communications which had emanated after the award of the labour Court. The labour Court has on the evidence available before it found that the efforts have not been taken to verify with the Chief Educational Officer, Tiruvannamalai, more so, when there was a bifurcation of the District after the issuance of the certificate.



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9. Once it is found that the basis of the dismissal viz., production of false certificate regarding educational qualification is found to be not proved, the order of dismissal cannot survive. We therefore see no merit in the appeal. The appeal therefore fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (C.K.,J.)
09.01.2025

dsa

Index : No
Internet : Yes
Neutral Citation : No
Speaking order

To

1.The General Manager,
Management of Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Division,
Barathipuram, Dharmapuri - 05.

2.The Presiding Officer,
Labour Court,
Salem.



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