



W.P.(MD).No.4859 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4859 of 2019

R.Nandakumar

... Petitioner

Vs.

1. The Additional Chief Secretary,
Transport Department,
Fort St.George, Chennai – 600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
Regional Office,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in I.D.No.14 of 2008, dated 12.12.2011, passed by the Labour Court, Tirunelveli, and quash the same as illegal and consequently to direct the second respondent to reinstate petitioner as Driver with consequential benefits.

For Petitioner : Mr.S.Rajasekar
for Mr.T.Lajapathi Roy Associates

For R1 : Mr.G.V.Vairam Santhosh
Additional Government Pleader



W.P.(MD).No.4859 of 2019

WEB COPY

For R2

: Mr.K.Sathiyasingh
Standing Counsel

ORDER

The present Writ Petition has been filed by a workmen challenging the award passed in I.D.No.14 of 2008, on the file of the Labour Court, Tirunelveli, wherein, the Labour Court has chosen to dismiss the industrial dispute.

2. According to the writ petitioner/workmen, he was appointed as a Driver in the respondent Transport Corporation on 02.03.2006 and he was orally terminated on 20.08.2007. The workmen had filed Exs.P1 to P5 to establish the fact that he had been working as a Driver in the respondent Transport Corporation. The said fact was disputed by the Corporation contending that the petitioner was never employed as a Driver in the respondent Transport Corporation.

3. The Labour Court, after considering the documents filed on either side and the oral evidence, has arrived at a finding that the petitioner herein



W.P.(MD).No.4859 of 2019

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was engaged by the Transport Corporation on a daily wage basis, based upon the requirements on that day. Therefore, there was no appointment order or any termination. The labour Court further arrived at a finding that the petitioner was not able to prove that he had completed 240 days of service before he was disengaged by the transport Corporation. Based upon the said findings, the labour Court has dismissed the industrial dispute. Challenging the same, the present Writ Petition has been filed.

4. According to the learned counsel appearing for the writ petitioner, the petitioner had filed Ex.P2 to Ex.P5 and established that he was employed in the respondent Transport Corporation, but without considering those documents and oral evidence let in on the side of the petitioner, the Labour Court passed an award. Hence, he prayed for allowing the writ petition and setting aside the order of oral termination.

5. Per contra, the learned counsel appearing for the respondent Transport Corporation pointed out that he was a daily wage Driver and engaged only on need basis. Hence, he prays for dismissal of the writ petition.



W.P.(MD).No.4859 of 2019

WEB COPY

6. Heard both sides and perused the materials available on record.

7. A perusal of the oral and documentary evidence filed before the Labour Court would clearly reveal that the petitioner was only engaged on a daily wage basis as a temporary employee based upon the need. He was not a regular employee. The petitioner was not given any appointment order or termination order. The petitioner has also not proved that he had completed 240 days of service before the alleged oral termination. In such circumstances, the order of the Labour Court cannot be found fault with and there are no merits in the writ petition.

8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

10.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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W.P.(MD).No.4859 of 2019

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