



W.P.(MD)No.21074 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.21074 of 2018 &
W.M.P.(MD)No.18867 of 2018

The Management,
State Express Transport Corporation,
Palavan Salai, Chennai.

...Petitioner

vs.

The General Secretary,
Nellai Chitambaranar,
Kanyakumari District,
State Transport Employees Union,
Reg.No.468/Tvl, 4C,
Imperial Compound (Upstairs),
Perachi Ammal Kovil Road,
Vannarpattai, Tirunelveli - 3.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records pertaining to the order of the Labour Court, Tiruchirappalli passed in I.D.No.66 of 2014 dated 16.11.2016 and to quash the same.

For Petitioner : Mr.K.Sudalaiyandi

For Respondent : Mr.K.Guhan



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ORDER

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This writ petition was filed challenging the impugned order of the Labour Court, Tiruchirappalli in I.D.No.66 of 2014 dated 16.11.2016.

2. One Nellaiappan, belonging to the respondent Union was suspended by the petitioner Management from 18.05.2007 to 14.06.2007. However, no notice was issued and no enquiry was also conducted in this regard. Therefore, the respondent Union approached the Labour Court to set aside the suspension order and treat the suspension period as working days. The Labour Court after hearing both sides, allowed the Industrial Dispute. Challenging the same, the present petition is filed.

3. The learned counsel appearing for the petitioner would submit that since the said Nellaiappan was suspended from duty, he has not worked during that period and therefore, the suspension period cannot be treated as working days. However, this aspect was not considered by the Labour Court.



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4. The learned counsel appearing for the respondent Union would submit that the said Nellaiappan was completely in dark of the fact for which he was suspended as no notice was issued to him and no enquiry was also conducted in this regard. Under such circumstances only, the Labour Court after hearing both sides, allowed the Industrial Dispute. Therefore, he prayed that the present petition may be dismissed.

5. I have given due consideration to the submissions made by the learned counsel for the petitioner as well as the learned counsel for the respondent and perused the materials available before this Court.

6. On perusal of the documents, there is no doubt on the aspect that one Nellaiappan was suspended by the petitioner Management from 18.05.2007 to 14.06.2007. However, no notice was issued to him and no enquiry was also conducted in this regard. Therefore, the said Nellaiappan was completely in dark as to what was the reason for which he was suspended. Under such circumstances only, the respondent Union has approached the Labour Court on behalf of Nellaiappan to quash the suspension order and to treat the suspension period as working days.



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The Labour Court also after consideration the submissions on both sides set aside the order of suspension dated 18.05.2007 and directed to treat the 28 days of temporary suspension as working days. I do not find any error in the decision making process of the Labour Court. Therefore, the order passed by the Labour Court stands confirmed.

7. Accordingly, this writ petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

23.01.2025

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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KRISHNAN RAMASAMY, J.

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