



**W.P(MD)No.27561 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.07.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)No.27561 of 2023**

**and**

**WMP (MD) No.23675 of 2023**

The Management  
Tamil Nadu State Express Transport  
Corporation,  
Pallavansalai,  
Chennai – 2.

... Petitioner(s)

VS.

General Secretary,  
Nellai, Chidambaranar,  
Kanyakumari District,  
State Transport Employees Union,  
Registration No. 468/tv1,  
4c, Imperial Compound Upstair,  
Berachiamman Kovil Street,  
Vannarpettai,  
Tirunelveli – 3.

... Respondent(s)

**PRAYER:** Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records from the



**W.P(MD)No.27561 of 2023**

WEB COPY

Labour Court, Tirunelveli relating to the impugned award passed by it in I.D.No. 8/2018 dated 27.11.2019 and quash the same.

For Petitioner : Mr. K.Sathiya Singh

For Respondent : Mr.K.Guhan

### **ORDER**

Challenging the award dated 27.11.2019 passed by the Labour Court, Tirunelveli, the petitioner has filed the present writ petition.

2.The learned counsel appearing for the petitioner Corporation submitted that the respondent workman, a member of the respondent Union, was employed as a Driver cum Conductor in the petitioner Corporation and was attached to Route No.626, operating Bus No.A 571 belonging to the State Express Transport Corporation. It is the case of the petitioner Corporation that while the workman was on duty, he made certain derogatory and unparliamentary remarks in the log sheet maintained in respect of the bus, complaining about the condition of the vehicle. According to the petitioner, instead of recording the defects in a proper and courteous manner, the workman used objectionable and abusive



**W.P(MD)No.27561 of 2023**

WEB COPY

language against the management. Consequently, a charge memo was issued to the workman. A domestic enquiry was conducted after affording him sufficient opportunity to defend himself. On completion of the enquiry, the disciplinary authority found the charges proved and imposed the punishment of stoppage of increment for six months with cumulative effect. Aggrieved by the said punishment, the respondent workman raised an industrial dispute through Union before the Labour Court in I.D. No.8 of 2018. The Labour Court, while upholding the findings of misconduct, modified the punishment from stoppage of increment for six months with cumulative effect to that of censure. Challenging the said modification, the present writ petition has been filed.

3. The learned counsel for the petitioner Corporation submitted that, even assuming the workman had any genuine grievance regarding the condition or maintenance of the bus, he ought to have reported the same in a respectful and professional manner. Instead, he deliberately used derogatory and unparliamentary expressions against the management in the official log sheet. Such conduct amounts to misconduct warranting disciplinary action. It was further contended that the punishment imposed by the disciplinary authority was



**W.P(MD)No.27561 of 2023**

WEB COPY

proportionate to the gravity of the misconduct and that the Labour Court, without assigning any valid reasons, interfered with the quantum of punishment. Accordingly, the learned counsel prayed that the award of the Labour Court be set aside.

4. Per contra, the learned counsel appearing for the respondent Union submitted that the concerned workman was serving as a Driver-cum-Conductor in the State Express Transport Corporation and was operating long-distance services. It was contended that the bus allotted to him was in a poor mechanical condition and could not be driven beyond a speed of about 40 km/hour, though it was required to operate long-distance route from Tirunelveli to Coimbatore. Owing to the poor condition of the vehicle, passengers frequently complained and expressed their dissatisfaction, causing considerable inconvenience to the workman while discharging his duties. The learned counsel further submitted that the remarks made by the workman in the log sheet were intended only to bring the mechanical defects of the vehicle to the notice of the management and were not made with any intention to insult or scandalize the management. Considering the surrounding circumstances and the nature of the



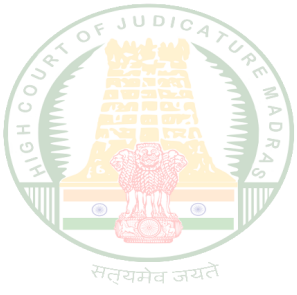
**W.P(MD)No.27561 of 2023**

WEB COPY

misconduct, the Labour Court exercised its power under Section 11-A of the Industrial Disputes Act and modified the punishment to one of censure. The said exercise of discretion does not warrant interference under Article 226 of the Constitution of India. Accordingly, the learned counsel prayed for dismissal of the writ petition.

5. This Court has carefully considered the rival submissions and perused the materials available on record.

6. It is not in dispute that the respondent workman made certain remarks in the log sheet maintained by the petitioner Corporation. However, the Labour Court, on appreciation of the entire evidence, has taken note of the circumstances under which such remarks came to be made. Though the language employed by the workman cannot be appreciated, the Labour Court found that the punishment of stoppage of increment for six months with cumulative effect was disproportionate to the nature of the misconduct and accordingly modified the punishment to one of censure.



**W.P(MD)No.27561 of 2023**

WEB COPY

7. In such view of the matter, this Court that the punishment as modified by the Labour Court cannot be said to be arbitrary or perverse warranting interference under Article 226 of the Constitution of India. Accordingly, this Court finds no merit in the writ petition and the same is liable to be dismissed.

8. In the result, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

**28.07.2026**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
PKN



**W.P(MD)No.27561 of 2023**

WEB COPY

To

The Management  
Tamil Nadu State Express Transport  
Corporation,  
Pallavansalai,  
Chennai – 2.



WEB COPY



**W.P(MD)No.27561 of 2023**

**M.DHANDAPANI,J.**

PKN

**ORDER MADE IN  
W.P(MD)No.27561 of 2023**

**DATED : 28.07.2026**