

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.03.2016

Coram

The Hon'ble Mr. Justice T.S. SIVAGNANAM

W.P. No.17256 of 2014

The Management
Tamilnadu State Transport Corpn., (Villupuram) Ltd.,
Cuddalore Division,
Rep., by its General Manager .. Petitioner

Vs

1.R.Ramasamy
2.The Presiding Officer,
Labour Court,
Cuddalore .. Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records of the order passed by the first respondent I.D.No.14 of 2012, dated 07.10.2013, and to quash the same as illegal.

For Petitioners .. Mr.P.Praramasiwa Doss

For Respondents .. Mr.K.Arunagiri for R1
R2- Court

O R D E R

The petitioner, Management of Tamil Nadu State Transport Corporation (Villupuram) Ltd., has filed this Writ Petition challenging the award of the Labour Court, Cuddalore in I.D.No.14 of 2012, dated 07.10.2013, by which the Labour Court interfered with the order of dismissal imposed by the petitioner Management on the first respondent Workman and modified the same into one of stoppage of one increment with cumulative effect.

2. The respondent Workman was employed as a Conductor having joined the services of the petitioner Management during 1987. On a charge of unauthorised absence, proceedings were initiated, which ended in an order, dated 27.10.2009, dismissing the Workman from service. The Workman raised the dispute, which was taken on file by the Labour Court in I.D.No.14 of 2012.

3. The Labour Court took into consideration the facts and the decisions of this Court in the case of The Management of

Tamil Nadu vs. The Presiding Officer reported in CDJ-2011-MHC-4987; The Management, Tamil Nadu State Transport Corporation vs. The Presiding officer, Labour Court, Salem reported in CDJ 2012 MHC 5898; UOI represented by The Chief Work Manager, Southern Railways vs. Registrar Industrial Tribunal reported in 2010 III LLJ 349(Mad); and the decision of the Hon'ble Supreme Court in the case of K reported in CDJ 2012 SC 128 and held that the punishment of dismissal from service for a charge of unauthorised absence was highly disproportionate.

4. The first respondent was employed as a Conductor and while he was in service, he had been afflicted by partial paralysis and submitted an application for leave to the Branch Manager, Tittakudi. This incident appeared to have triggered, the disciplinary proceedings on a charge of unauthorised absence from 21.05.2007.

5. There were no oral evidence before the Labour Court and the Workman marked only one document namely, Conciliation failure report as Exhibit W-1 and the Management had marked 17 documents as Exhibits M1 to M17. The Labour Court, apart from analysing the factual position, rightly took note of the decisions referred supra to come to a conclusion that the punishment imposed was grossly disproportionate and harsh.

6. Admittedly, it is not a case of corruption, embezzlement of funds, fraudulent deeds or forgery of records etc. Thus, discretion exercised by the Labour Court being sound and reasonable, warrants no interference.

For the above reasons, the Writ Petition fails and it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
Cuddalore.

+1cc to Mr.P.Paramasivadosh, Advocate Sr.17503
+1cc to Mr.K.Arunagiri, Advocate Sr.17283

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kk[co]
srg 22/04/2016