



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2016

CORAM :

THE HON'BLE DR. JUSTICE S.VIMALA

Writ Petition (MD) No.22291 of 2016
& W.M.P.(MD) No.15974 of 2016

The Management,
State Express Transport Corporation,
Etayapuram Road, Tuticorin,
Tuticorin District

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Tirunelveli
2. J.Joseph (Assistant 30655)
Through the Secretary,
State Express Transport Labour Union,
145/1G Etayapuram Road,
Tuticorin 628 002

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the order of the first respondent passed in I.D.No.2 of 2016 dated 15.07.2016 and to quash the same.

For Petitioner : Mr. K.Sudalaiyandi
For 2nd Respondent : No Appearance

O R D E R

This is a writ petition filed by the petitioner for the issuance of a writ of certiorari, challenging the order passed by the first respondent in I.D.No.2 of 2016, dated 15.07.2016.

2. Heard Mr.K.Sudalaiyandi, learned counsel appearing for the petitioner.

3. The facts leading to the filing of this writ petition are as follows:-

The second respondent herein filed I.D.No.2 of 2016 on the file of the first respondent, seeking to set-aside the punishment orders, dated 19.10.2012, 04.07.2013, 24.09.2013, 22.10.2013 (2 counts) and 21.04.2014, all passed by the petitioner / Transport Corporation. All the orders are under challenge on the ground that the Transport Corporation has passed the orders, without conducting any enquiry and without affording any opportunity of hearing. It is also claimed that the impugned orders are against



the standing orders of the Transport Corporation.

4. The court below, while considering the legality of the orders passed on six occasions, has given a finding that though the Corporation has issued show cause notices and has obtained explanation from the second respondent herein, did not conduct any further enquiry and straightaway has passed the final orders. It is also pointed out that the impugned order is against the standing orders as well as against the principles of natural justice. With this reasoning, all the six orders have been set-aside.

4.1. In paragraph 7 of the order, the Labour Court has considered the following aspects:-

- (i) No enquiry has been conducted;
- (ii) in cases where the employee has submitted the explanation, the explanation has not been considered;
- (iii) No plea taken that the standing orders permit imposition of punishment without enquiry;
- (iv) No plea that the punishment imposed is only a minor punishment and not a major punishment;

After considering several judgments of the Hon'ble Supreme Court, the Court below has passed the order.

5. Therefore, this Court is of the opinion that the order, dated 15.07.2016, passed by the Court below is perfectly justified and therefore, it does not warrant any interference from this Court.

5.1. This writ petition is not a fit case for admission. Hence, the writ petition stands dismissed. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To
The Presiding Officer,
Labour Court, Tirunelveli

+1cc to Mr.K.Sudalaiyandi, Advocate SR.No.72401

srk

sm:BS:09/02/2017:2P/3C

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& W.M.P.(MD) No.15974 of 2016
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