



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALAW.P(MD) No.23192 of 2016

G.Senthil

... Petitioner

-vs-

1.The state of Tamil nadu,
Rep. by its Secretary to government,
Labour and Employment Department,
Fort St.George, Chennai -9.

2.The Managing Director,
State Express Transport
Corporation (Tamil Nadu) Ltd.,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

3.The General Manager
State Express Transport
Corporation (Tamil Nadu) Ltd.,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

4.The Presiding Officer,
Labour Court, Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to refer the Industrial Dispute raised under Section 2 (k) of the I.D.Act dated 09.10.2015 (for which failure report was issued by the Labour Officer, Madurai in Na.Ka.No.686/2015 dated 24.03.2016) for adjudication to the Labour Court, Madurai and further directing the Labour Court, Madurai to dispose of the above Industrial Dispute within three months from the date of reference.

For Petitioner

: Mr.A.Rahul

For Respondent 1 to 3

: Mr.K.Sathiya Singh

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> punishment imposed against the petitioner without conducting enquiry is under challenge in this Writ Petition.



2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents 1 to 3. By consent, the writ petition itself is taken up for final disposal at the stage of admission itself.

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3. Admittedly, the petitioner, who was employed as Selection Grade Driver, was imposed with the punishment of increment cut for six months with cumulative effect by the third respondent. Against which, the petitioner has preferred an appeal before the first respondent. Thereafter, he raised industrial dispute before the Labour Officer, Madurai and the Labour Officer, Madurai has initiated conciliation proceedings. The respondent Corporation has also filed counter. Since there is no progress in the conciliation, the Inspector of Labour, by the proceedings dated 24.03.2016 issued failure report to the first respondent. But, even till date, the first respondent has not referred the said dispute for adjudication to the Labour Court, Madurai. Aggrieved by the same, this writ petition has been filed.

4. The main issue which is focussed by the learned counsel for the petitioner is that the aforesaid punishment was imposed without holding enquiry that is contemplated under the certified Standing Orders.

5. The learned counsel for the respondent - Transport Corporation has not seriously disputed about the above said legal position.

6. A perusal of the records would go to show that punishment has been imposed without conducting any enquiry. As the punishment is imposed without following Standing Orders and also without following the principles of natural justice, the punishment imposed by the third respondent is liable to be set aside.

7. In view of Clauses 30 and 31 of the certified Standing Orders, the impugned orders are quashed. Further, it is made clear that the respondents are at liberty to hold enquiry in accordance with law and pass appropriate orders thereon.

8. The writ petition is allowed in the above terms. No costs.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/



To

1. The Secretary to government,
The state of Tamil nadu,
Labour and Employment Department,
Fort St.George, Chennai -9.

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4.The Presiding Officer,
Labour Court, Madurai.

+1 cc to MR.A.RAHUL, Advocate SR.No.74763
+1 cc to MR.K.SATHIYA SINGH, Advocate SR.No.78918
+1 cc to Special Government Pleader SR.No.79014

WP (MD) No.23192 of 2016
01.12.2016

SMA/CM-MSA/02.02.2017:3P/8C