



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2017

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.1051 of 2017

and

W,M.P(MD)No.887 of 2017

P.Pitchai,
Son of Perumal Gounder,
Conductor, Staff No.CR.62534,
Tamil Nadu State Transport Corporation(Madurai) Limited,
Dindigul Branch-I,
Dindigul Region,
Dindigul
Residing at

No.1-156B, Rajakaliamman Nagar,
Ambathurai Post,
Authoor Taluk,
Dindigul District.

... Petitioner

.vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation(Madurai)Limited,
Bye Pass Road,
Madurai.

2. The General Manager,
Tamil Nadu State Transport Corporation(Madurai) Limited,
Dindigul Region,
Bye-Pass Road,
Dindigul.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records pertaining to the impugned Punishment Order dated 23.08.2011 made in Ref.Sa.Thu.A5:1314 issued by the second respondent and to quash



For Petitioner : M/s.J.Lawarance
For Respondents : Mr.A.P.Muthupandian
1 and 2

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O R D E R

This Writ Petition has been filed, for issuance of a writ of Certiorari calling for the records pertaining to the impugned Punishment Order dated 23.08.2011 made in Ref.Sa.Thu.A5:1314 issued by the second respondent and to quash the same as illegal.

2.Mr.A.P.Muthupandian, learned standing counsel takes notice for R1 and R2. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The Petitioner has come forward with this Writ Petition challenging the punishment order imposed by the Disciplinary Authority and that the Petitioner has stated that he has preferred an appeal on 15.11.2011 and also followed by a reminder on 10.10.2013. Hence the learned counsel for the Petitioner submitted that the imposition of stoppage of increment for three years is excessive and that even though the enquiry was conducted, this Court can interfere with the punishment, as the allegation levelled against the Petitioner is that he is said to have misappropriated a sum of Rs.26/-.Admittedly, the Petitioner is a workman under Section 2(s) of the Industrial Disputes Act. The relief sought for by the Petitioner cannot be granted on two grounds namely, the Petitioner has already preferred an appeal and the same is pending. That apart, the Petitioner being a workman, can challenge the punishment under the Industrial Disputes Act through his Union. With regard to the punishment imposed on the Petitioner, when this Court posed a question about the maintainability of the Writ Petition on the ground of alternative remedy, the learned counsel for the Petitioner submitted that he had already preferred an appeal before the appellate authority and the same may be directed to be disposed of within the time frame fixed by this Court.

4.Considering the above said submission, this Court, without expressing any opinion of the merits of the claim made by the Petitioner, directs the appellate authority to dispose of the appeal filed by the Petitioner on merits and in accordance with law, ~~and to provide an opportunity of hearing to the Petitioner as well as the other parties concerned, if any, within a period of two~~



months from the date of receipt of a copy of this order. In case of any adverse or modified order of punishment, it is open to the Petitioner to approach the Labour Forum through the Union, for redressal.

5. With the above direction, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road,
Madurai.
2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Bye-Pass Road,
Dindigul.

+1cc to Mr. J. Lawrance, Advocate, SR.No. 3918

**W.P. (MD) No.1051 of 2017
and**

**W.M.P (MD) No.887 of 2017
23.01.2017**

vsn

MKV-PN/9.2.2017/3P-4C