



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1114 of 2018

&

WMP(MD)No.1169 of 2018

The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Ltd, Nagercoil Region,
Ranithottam, Nagercoil.

... Petitioner

Vs.

1.The Presiding Officer,
The Labor Court,
Tirunelveli.

2.The General Secretary,
Kanyakumari District,
Bharathiya State Transport
Employees Association,
Saithanium, Vivakanandhar Street,
Ranithottam, Nagercoil-1.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records from the first respondent Labour Court, Tirunelveli relating to the impugned award passed by it in I.D.No.47 of 2015 dated 08.01.2016 and quash the same.

For Petitioner

: Mr.K.Sathiya Singh

O R D E R

The award dated 08.01.2016 passed by the Labour Court is under challenge in this writ petition at the instance of the Tamil Nadu State Transport Corporation, Tirunelveli Ltd, Nagercoil Region.

2.The subject matter relates to the punishment imposed on one Mani who is employed by the petitioner corporation as a Conductor. The case of the said Mani was taken up by the second respondent Union. When the said Mani was working as a Conductor in the bus belonging to the petitioner corporation on 19.10.2010, one lady passenger had fallen down from the moving bus and died as a result of injuries. The management had initiated disciplinary action against the said Mani on the ground that he failed to instruct the said passenger that she should not stand near the footboard.



Domestic enquiry was conducted. The charges were held to be proved and the punishment of stoppage of increment was also imposed on the said Mani.

3. The aggrieved employee raised an industrial dispute through the Trade Union. The matter was taken up by the Labour Court, Tirunelveli in I.D.No.47 of 2015. By the impugned award dated 08.01.2016, the Labour Court, Tirunelveli set aside the order dated 17.03.2012 passed by the corporation and directed that the said Mani should be granted all consequential benefits.

4. The learned standing counsel appearing for the writ petitioner contended that the Labour Court erred in interfering with the order of punishment imposed by the management. He would point out that during the domestic enquiry, the charge was held to be proved.

5. This Court is not inclined to admit the writ petition. The Labour Court, Tirunelveli has given a categorical finding that there was absolutely no basis for holding that the said Mani was guilty of any misconduct. On account of the said accident, criminal case was registered against the said Mani. F.I.R registered in this regard was also marked during the Labour Court proceedings on the side of the Workman. In the compensation proceedings instituted by the legal heirs of the deceased lady passenger also, the management had not stated that the said Mani was responsible for the death of the said lady passenger. Thus, after appreciating the materials that were projected both in the criminal case as well as in the claim proceedings. The Labour Court came to the conclusion that the case projected on the said of the Trade Union deserves to be accepted and that the order of punishment imposed on the said Mani should be set aside.

6. The findings of the Labour Court cannot be said to be perverse or improper. It is well founded. There is no merit in this writ petition. It stands dismissed at the stage of admission itself. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Presiding Officer, The Labour Court, Tirunelveli.

Skm

RL/2C/2P/SV/MMS/SAR3/2/2/2018

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