



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No. 11793 of 2017
and
WMP(MD)No.9083 of 2017

The Management of Tamil Nadu
State Express Transport
Corporation Ltd,
Vannarpettai, Tirunelveli.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.The General Secretary,
Nellai Chidambaranar Kanyakumari
District State Transport
Employees Union,
Registration No.468/Tirunelveli,
4-C, Imperial Compound (Upstairs),
Perachiamman Kovil Road,
Vannarpettai, Tirunelveli-3.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating in I.D.No.11 of 2014 dated 22.04.2015 on the file of the first respondent and quash the same.

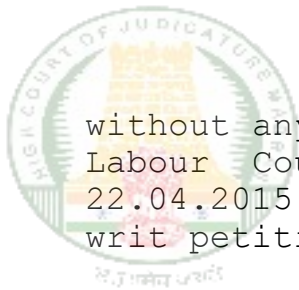
For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.K.Guhan for R2

R1 - Labour Court

ORDER

The management of Tamil Nadu State Transport Corporation Limited, Tirunelveli is the petitioner herein. One C.Nellaiappan who is a member of the second respondent trade union is employed as a Conductor in the petitioner corporation. It is alleged that he misbehaved with some passengers on 15.04.2009. For this misconduct, he was suspended from service. It was later recalled. Enquiry was conducted against him. Enquiry officer had found that the charges were not proved. But, notwithstanding the said finding of the enquiry officer and without getting any explanation from the employee concerned, the punishment of severe warning was issued. That apart, the period of suspension was treated as one of duty but



without any pay. This was questioned in ID.No.11 of 2014 before the Labour Court, Tirunelveli. The Labour Court by order dated 22.04.2015 allowed the I.D. It is this that is assailed in this writ petition.

2. Heard the learned counsel on either side.

3. It is not in dispute that the enquiry officer did not find the charges against the workman to be proved. When the findings of the enquiry officer are in favour of the workman concerned and the management wants to differ from the same, the workman concerned should have been put on notice. But, in this case, without getting any explanation from the workman concerned, straight away the impugned punishment of severe warning and the mode of treatment of the suspension period was also passed.

4. Therefore, the Labour Court rightly allowed the said I.D.No.11 of 2014 dated 22.04.2015. There is no reason to interfere with the order impugned in this writ petition. This writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1. The Presiding Officer,
Labour Court, Tirunelveli.
2. The General Secretary,
Nellai Chidambaranar Kanyakumari
District State Transport
Employees Union,
Registration No.468/Tirunelveli,
4-C, Imperial Compound (Upstairs),
Perachiamman Kovil Road,
Vannarpettai, Tirunelveli-3.

+One cc to M/s.K.Guhan, Advocate, SR.No.54611

+One cc to M/s.K.Sudalaiyandi, Advocate, SR.No.54681

skm

RL/5C/2P/SV/MMS/SAR2/26/3/2018

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and

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