



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHANW.P.(MD) No.11939 of 2017andW.M.P.(MD) No.9197 of 2017

The Management
Tamil Nadu State Transport Corporation,
Madurai. ...Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
District Court Buildings,
Madurai.

2.General Secretary,
State Tamil Nadu State Transport Corporation,
Registration No.157/MDU
V.P.Chinthan Ninaivagam,
V.O.C. 2nd Floor,
Arul Nagar Bye pass Road,
Madurai - 16. ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st Respondent in the proceedings in I.D.No.98 / 2014 dated 29.03.2016, quash the same.

For Petitioner	: Mr.A.Jeyaram
For R1	: Court
For R2	: Mr.S.Arunachalam

O R D E R

In the impugned award passed by the Labour Court, Madurai, the power under Section 11 (A), Industrial Disputes Act, has been exercised and the order of stoppage of annual increment for one year with cumulative effect was held to be not justified and the same was modified as stoppage of annual increment for one year without cumulative effect.

2.Section 11 (A) of the Industrial Disputes Act, can be invoked only in case of discharge or dismissal. Therefore, the exercise of the said power in this case, is not proper.



3. In this view of the matter, the impugned award is set aside and the matter is remitted back to the Labour Court for passing fresh orders on merits and in accordance with law within the reasonable time. Liberty is given to both parties to raise all the contentions available to them.

4. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
District Court Buildings,
Madurai.

+1cc to Mr.S.Arunachalam, Advocate, SR.No.57423

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RL/3C/2P/SV/SAR1/2/5/2018

W.P. (MD) No.11939 of 2017

22.03.2018