



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) Nos.15954 and 15955 of 2017
and
W.M.P. (MD) Nos.12604 and 12605 of 2017

The Management,
State Express Transport Corporation,
Chennai.

... Petitioner
(in both writ petitions)

Vs.

1.The Presiding Officer,
Labour Court,
Tirunelveli.

...1st Respondent in both the Writ Petitions

2.The Branch Secretary,
State Express Transport
Employees Union (C.I.T.U)
Tuticorin,
(on behalf of the employee namely
K.Thangapandi

...2nd Respondent in WP(MD)No.15954/2017

2.The Branch Secretary,
State Express Transport
Employees Union (C.I.T.U)
Tuticorin,
(on behalf of the employee namely
S.Paulraj

...2nd Respondent in WP(MD)No.15955/2017

PRAYER in W.P.(MD)No.15954 of 2017: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order of the first respondent passed in ID No.89 of 2016 dated 28.04.2017 and to quash the same.

PRAYER in W.P.(MD)No.15955 of 2017: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order of the first respondent passed in ID No.90 of 2016 dated 28.04.2017 and to quash the same.

For petitioner : Mr. Sudalaiyandi

R1 : Labour Court

For R2 : Mr. D.Srinivasaraghavan

<https://hcservices.ecourts.gov.in/hcservices/>

(in both writ petitions)



COMMON ORDER

Heard, the learned counsel on either side.

2. The management of State Express Transport Corporation is the writ petitioner in both the cases. The management initiated disciplinary action against the Driver and the Conductor of the bus in route number 527 on 07.03.2014. It appears that the passengers lodged a complaint to the management stating that they were facing nuisance on account of the bedbugs in the bus. As a result, the bus was returned to Madurai and spare bus was arranged. For this, the management initiated disciplinary action both against the driver and the conductor. After holding domestic enquiry, punishment of stoppage of increment for one year with cumulative effect was imposed by order dated 21.03.2015. The transport union namely CITU raised an industrial dispute before the labour Court. The labour Court, after considering the case of the management as well as the workmen, came to a conclusion that in no way the Driver and the Conductor can be made liable for the occurrence. In that view of the matter, the labour Court set aside the punishment imposed on the employees in question.

3. The finding of labour Court is perfectly reasonable and justified. The employees in question cannot be said to have committed any kind of misconduct. The job of the driver is to drive and the job of the conductor is to issue tickets. The subject matter of the charge memo relates more to the maintenance of the bus. If the maintenance was poor, the concerned staff should be blamed and the driver and conductor cannot be fastened with any liability on that score. There is absolutely no merit in this case.

4. With these observations, these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

The Presiding Officer, Labour Court, Tirunelveli.

+One cc to M/s.K.Sudalaiyandi, Advocate, SR.No.47187

+One cc to M/s.D.Srinivasaraghavan, Advocate, SR.No.47349

pnn/tsg

RL/4C/2P/SV/MMS/SAR1/19/3/2018

ORDER MADE IN

W.P. (MD) Nos.15954 and 15955 of 2017

08.02.2018