



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.18920 of 2017

W.M.P. (MD) No.15256 of 2017

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

... Petitioner

Vs.

1. The Presiding Officer,
The Labour Court,
Tirunelveli.
2. The General Secretary,
Kanyakumari District,
Bharathiya State Transport Employees Association,
Saithainium,
Vivakanandhar Street,
Ranithottam,
Nagarcoil-1.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records from the 1st respondent Labour Court, Tirunelveli relating to the impugned award passed by it in I.D.No.80 of 2015 dated 04.03.2016 and quash the same.

For Petitioner : Mr.K.Sathya Singh

For R2 : Mr.A.Thirumurthy

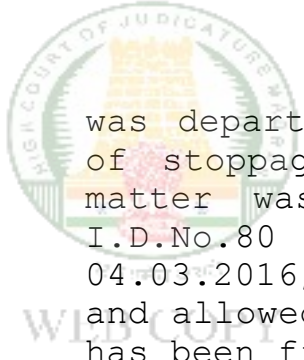
R1-Labour Court

ORDER

The Management of Tamil Nadu State Transport Corporation, Nagarcoil is the writ petitioner herein.

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

2.One Velappan, member of the second respondent Trade Union



was departmentally proceeded against and he was given punishment of stoppage of increment for a period of three years and the matter was taken to the Labour Court Tirunelveli by way of I.D.No.80 of 2015. The Labour Court by the impugned award dated 04.03.2016, set aside the punishment imposed to the said Velappan and allowed the said I.D. Questioning the same, the writ petition has been filed.

3. Heard the learned counsel appearing on either side.

4. The said Velappan is employed as Driver in the petitioner Corporation. The allegation made against him is that on 06.02.2010 when he was driving a bus bearing Reg.No.TN-74/N-0757, he drove the vehicle in such a way as to endanger the safety of one Conductor by name, Tharmaraj. When the said Velappan was taking tea, there was a quarrel arose between them. Therefore, the Management issued charge memo on 07.04.2010. Even though the Enquiry Officer held that all the charges are proved, the Labour Court held that the finding rendered by the Enquiry Officer is perverse.

6. This Court is of the view that the Labour Court rightly came to the said conclusion, for the reason that immediately after the occurrence, on 06.02.2010, the said Velappan lodged a complaint before the Department Superior as well as before the Police. In fact, FIR was registered at the instance of the said Velappan. According to the Velappan, he was assaulted at the instance of the said Tharmaraj and his brother and he was hospitalized for taking treatment. On the other hand, two months later i.e on 07.04.2010, there was counter complaint lodged by the said Tharmaraj. Therefore, the Labour Court rightly disbelieved the said allegation made by the said Tharmaraj. More over, in this case, only one witness was examined in support of the charges but the said witness did not witness the occurrence. Therefore, the only material before the Enquiry Officer was the statement made by the said Velappan. The testimony of the said Velappan carried greater credibility before the Labour Court. This is for the simple reason that the Tharmaraj levelled allegation against the said Velappan, two months after the occurrence in question.

7. This Court is of the view that the conclusion arrived at by the Labour Court is well founded. There is no reason to interfere. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

The Presiding Officer,
The Labour Court,
Tirunelveli.

WEB COPY

+ 1 cc TO Mr.K.Sathiya Singh , Advocate in SR No. 55246
+ 1 cc TO Mr.A.Thirumurthy , Advocate in SR No. 54831

GNS

AE/SV MMS/SAR1/08.06.2018/3P/4C

W.P. (MD) No.18920 of 2017
13.03.2018