



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.13422 of 2010
and M.P. (MD) .No.1 of 2010

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The Management
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division - 5.
represented by its General Manager,
Virudhunagar. .. Petitioner

Vs.

1.The General Secretary,
T.N.S.T.C. Workers Union, (CITU)
6/662, Lakshmi Nagar,
Madurai Road, Virudhunagar - I.
2.The Labour Court,
rep. by the Presiding Officer,
Madurai. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, calling for the records pertaining to the impugned award dated 04.11.2009 passed by the 2nd respondent in I.D.No.65 of 2005 and quash the same.

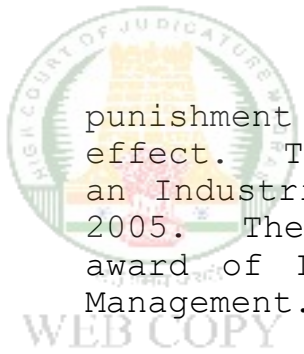
For Petitioner : Mr.J.Senthil Kumariah

For Respondents : Mr.S.Arunachalam for R1
R2 - Court.

ORDER

This writ petition is filed by the Management of Tamil Nadu State Transport Corporation, challenging the order of Labour Court setting aside the punishment imposed on some Conductors.

2.The first respondent raised an industrial dispute challenging the order of punishment imposed on 5 Conductors who were all members of TNSTC Workers Union (CITU, Virudhunagar). Charge memos were issued to the five Conductors on 23.10.2000 and after receiving the explanation from the Conductors, domestic Enquiry was conducted by the Corporation. After giving opportunity to the five Conductors, the Enquiry Officer filed a report holding that only one charge namely the charge pertaining to non joining of duty on 14.10.2000 was proved. Thereafter, the second show cause notice was issued to the five Conductors and the Conductors were imposed a



punishment of stoppage of increment for one year with cumulative effect. Thereafter, the first respondent, the Labour Union raised an Industrial Dispute before the second respondent in I.D.No.65 of 2005. The Labour Court set aside the punishment. As against the award of Labour Court, the above writ petition is filed by the Management.

3.The learned counsel appearing for the petitioner submitted that the second respondent/Labour Court ought not to have interfered with the factual findings in the Domestic Enquiry and the consequential order of punishment of stoppage of increment for one year with cumulative effect. The learned counsel appearing for the petitioner further submitted that the Domestic Enquiry was conducted by following the principles of natural justice and that the findings of Enquiry Officer are supported by evidence on record. Since the punishment awarded to the Conductors are just and valid, there is no scope for the Labour Court to interfere with the order of punishment.

4.It is not in dispute that the Enquiry Officer found the Conductors guilty of only one charge which is relating to unauthorised absence for one day. Therefore the question was whether there is proper explanation for their absence on a particular day. It is not in dispute that there was a strike for one day and that the absence of some of the Conductors who failed to report duty was explained by the employees. The Labour Court considered the explanation offered by the delinquents and the Labour Union and found that the charge against the Conductors are not proved. It is also admitted that as against the five Conductors, different punishments were imposed by the Management. Since their explanation for the absence for a day is satisfactory and there was discrimination, the Labour Court set aside the punishment.

5.This Court is of the view that the award of the Labour Court is well founded. After an elaborate enquiry and consideration of documents and oral evidence the Labour Court has passed the award. The findings of the Labour Court are supported by reasons and materials. This Court is unable to find any valid reason to interfere with the findings of the Labour Court, particularly, having regard to the scope of judicial review.

6.Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Presiding Officer,
Labour Court, Madurai.

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+1CC TO MR.J.SENTHIL KUMARAI AH, Advocate Sr. No. 94007

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