



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2019

CORAM

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.3858 of 2010

and

M.P.(MD)No.1 of 2010

The Management,
Tamilnadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
By-Pass Road, Collectorate P.O.,
Dindigul-624 004.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Trichy.

2.The General Secretary,
TNSTC Workers Union (AITUC),
92, Mengils Road, Dindigul.

... Respondents

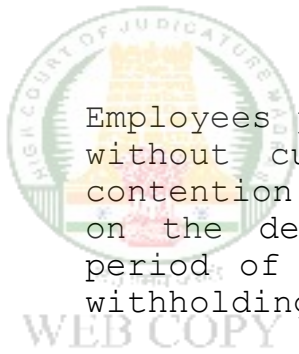
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records on the file of the first respondent pertaining to its proceedings in I.D.No.32 of 2007, dated 22.05.2009 and quash the same.

For Petitioner : Mr.S.C.Herold Singh
For Respondent : Mr.G.M.Xavier for R2

O R D E R

The Management of Tamil Nadu State Transport Corporation, who is the respondent before the Labour Court, is the writ petitioner.

2.The second respondent herein espousing the cause of a conductor, by name, P.Lenin preferred an Industrial Dispute in I.D.No.32 of 2007 before the Labour Court, Trichy, challenging the punishment imposed on the Conductor withholding the increment with cumulative effect. The Labour Court after considering that the Clause 17(2) of the Standing Order applicable to the Transport



Employees provides only for withholding increment due to a workman without cumulative effect, agreed with the second respondent's contention and modified the punishment. Thus the punishment imposed on the delinquent employee for withholding the increment for a period of two years with cumulative effect was modified into one withholding increments for two years without cumulative effect.

3. Similar issue arose before this Court, where, the Labour Court has modified the punishment on the ground that the Transport Management has no power to punish the employee by withholding the increment with cumulative effect. The Management preferred a writ petition in W.P.(MD)No.5883 of 2011 and this Court, by order, dated 30.10.2017, dismissed the writ petition on the ground that based on the Standing Order applicable to the establishment, the Labour Court Award is perfectly valid and cannot be interfered with.

4. The learned Counsel for the writ petitioner is unable to substantiate before this Court, how the Labour Court is wrong, especially, having regard to the Standing Order, that was relied upon by the Labour Court. In these circumstances, this Court find no merits in the writ petition.

5. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court, Trichy.

+1 CC to M/s.G.M. XAVIER, Advocate (SR-84951[F] dated 03/09/2019)

+1 CC to M/s.S.C. HEROLD SING, Advocate (SR-84959[F] dated
03/09/2019

W.P.(MD)No.3858 of 2010
3.09.2019

CMR
MS/30.09.2019/2P.4C