



WEB COPY

W.P.(MD)No.6577 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM

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

W.P.(MD)No.6577 of 2011

and

M.P.(MD)No.1 of 2011

The Management,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Dindigul Region,
Bye-Pass Road, Collectorate P.O.,
Dindigul - 624 004. ... Petitioner

vs.

- 1.The Presiding Officer,
Labour Court, Thiruchirapalli (Dindigul Camp).
- 2.The General Secretary,
Tamil Nadu Arasu Pokkuvarathu Tholilar
Sangam (CITU),
V.P.Sithan Memorial,
51, Kilaku Arockiamatha Theru,
Dindigul District. ... 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.75 of 2009, dated 21.04.2010 and quash the same.

For Petitioner :Mr.S.C.Herold Singh
For R2 : Mr.S.Arunachalam

ORDER

This Writ Petition is filed for issuing a Writ of Certiorari, to quash the Award passed by the Labour Court, in I.D.No.75 of 2009, dated 21.04.2010.



2.The second respondent is the Labour Union and espousing the cause of a Conductor of the petitioner Management raised an industrial dispute in I.D.No.75 of 2009.

3.A conductor, by name, A.Justin, was employed in the petitioner Management in Palani Branch. Since the bus belonging to the petitioner management did not stop, when the delinquent wanted to stop, it appears that the conductor, who was not on duty, chased the bus and picked up quarrel with the driver. The conductor not only intercepted the bus, but also assaulted the driver with his footwear. Thereafter, the driver of the bus gave a criminal case against the conductor and the incident was also reported in newspaper. The conductor, by name, A.Justin, was temporarily suspended for a period of 30 days from 01.09.2001. At request of the union, the order of suspension was revoked. Thereafter, a charge memo was issued to the delinquent and a punishment was imposed to treat the 15 days of suspension as punishable period and to treat the remaining 15 days as a period of leave. It is this order of management that was challenged before the Industrial Tribunal.

4.Though the second respondent disputed the charges, the Labour Court considering the entire evidence on record held that the employee (conductor) is guilty of all the charges. However, after holding all the issue in favour of the management, the Labour Court held that 15 days of suspension should be treated as duty period. It is against the order of Labour Court, the present Writ Petition is filed.

5.Having regard to the nature of charges against the delinquent, this Court is of the view that the punishment of dismissal from service will be more appropriate. The Management appears to have taken a very lenient view and the Labour Court, however, has modified the punishment, even after holding that the conductor was guilty of all the serious charges. The conductor of bus, against whom disciplinary action was initiated, has stopped the bus, carrying several passengers. The conductor not only intercepted the bus, but also assaulted the driver in front of the public. The conductor has never bothered about the inconvenience to the public eventhough it is the duty of every employee of public transport corporation to commit themselves to serve public. The delinquent did not realise that his conduct would damage the reputation of transport corporation, his pay master.

6.When the Labour Court has come to the conclusion that the charges are proved, it is surprising to note that the reduction of punishment is unwarranted. Hence, this Court has no hesitation to hold that the Labour Court ought not to have reduced the punishment, having regard to the nature of misconduct proved against the conductor.



7.As a result, this Writ Petition is allowed and the impugned order passed by the first respondent in I.D.No.75 of 2009, dated 21.04.2010 is set aside and the original order of punishment, dated 28.02.2003 is restored. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

cmr

TO

The Presiding Officer,
Labour Court, Thiruchirapalli (Dindigul Camp).

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-97508[F] dated 12/11/2019)

W.P. (MD) No. 6577 of 2011
08.11.2019

_KK/SAR/03.12.2019/3P-3C/