



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2019

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21680 of 2018

and

W.M.P.(MD)No.19594 of 2018

The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukkottai Region,
Thanneerpandal, Madurai Road,
Pudukkottai

... Petitioner

/Vs./

1. The Presiding Officer,
Labour Court, Tiruchirapalli.
2. Tamil Nadu State Transport Corporation
Staff Federation,
No.110, Government Servant Colony,
Subramaniapuram,
Collector's Office Post,
Pudukkottai.
(Thiru N.Rajendran, Conductor 88 CR 4087
on behalf of Pudukkottai Region)

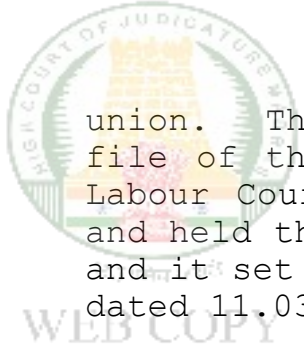
... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned award passed by the first respondent herein dated 29.11.2016 in I.D.No.18 of 2012 and quash the same.

For Petitioner : Mr.D.Sivaraman
For R-2 : Mr.K.Gokul

ORDER

One Rajendran was employed as a conductor in the writ petitioner Corporation. He is said to have misappropriated a sum of Rs.10/-, when he was discharging his duty as a conductor on 19.04.2008. In this regard, a charge memo was issued on 29.04.2008. Enquiry was conducted. The employee was found guilty. Therefore, the Management imposed a punishment of stoppage of increment for a period of one year without cumulative effect. The workman raised an industrial dispute and the same was espoused by the respondent trade



union. The matter was taken on file as I.D.No.18 of 2012 on the file of the labour Court, Trichirappalli camp at Pudukottai. The Labour Court, by award dated 29.11.2016, allowed I.D.No.18 of 2012 and held that the charges against the writ petitioner are not proved and it set aside the punishment imposed by the Management vide order dated 11.03.2009. The same is questioned in this writ petition.

2. When the matter was taken up for disposal, it was submitted that the employee has since retired. Therefore, even if I allow this writ petition, it will not make any difference. That apart, when the Labour Court has chosen to intervene in favour of the workman and the quantum of punishment is so nominal, it is not a matter fit for exercising the jurisdiction under Article 226 of the Constitution of India. Hence, this writ petition is dismissed. No costs. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
Tiruchirappalli.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-42681[F] dated 24/01/2019)

+1 CC to M/s.K.GOKUL, Advocate (SR-42880[F] dated 25/01/2019)

SM

DS : 02/04/2019 : 2P/4C

Order made in
W.P. (MD) No.21680 of 2018
24.01.2019