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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

Coram

The Hon'ble Mr. Justice PARESH UPADHYAY
and
The Hon'ble Mr. Justice SATHI KUMAR SUKUMARA KURUP

W.A.No.2758 of 2021
and
C.M.P.No.18108 of 2021

The Management,
Metropolitan Transport Corporation,
Chennai Division,
Pallavan Salai, Pallavan Illam,
Chennai - 2.

..Appellant

Vs

The General Secretary,
State Transport Employees Union,
Regn. No.73 MDS (CITU),
No.2, Pallavan Salai,
Kalaingaranga Valagam,
Chennai - 2.

..Respondent

Appeal preferred under Clause 15 of Letters Patent against the order dated 02.11.2020 made in W.P.No.33968 of 2019.

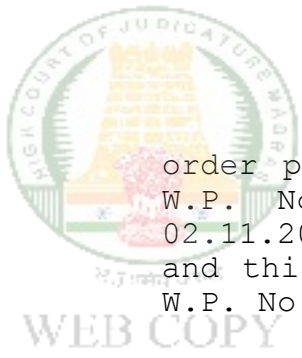
Prayer in W.P.No.33968 of 2019: Writ Petition filed to issue a Writ of Certiorari or any other appropriate writ order or direction of like nature calling for the records pertaining to the order passed in ID.NO 255/2017 DATED 09.07.2019 on the file of the principal Labour Court, Chennai.

For Appellant : Mr.M.Chidambaram

JUDGMENT

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made by the Management of the Metropolitan Transport Corporation, Chennai Division to the



order passed by learned single Judge dated 02 November 2020 in W.P. No.33968 of 2019. It is noted that the order dated 02.11.2020 is common qua W.P. Nos.33967, 33968 and 33971 of 2019 and this writ appeal is qua the order insofar as it pertains to W.P. No.33968 of 2019.

2. Learned advocate for the appellant/ management has submitted that refusal by this Court to entertain the writ petition challenging the award of the labour Court would lead to difficulties for the management to maintain discipline. It is submitted that the labour Court reduced the punishment from 'postponement of annual increment with cumulative effect for six months' to 'postponement of annual increment with cumulative effect for three months', which is great injustice to the management, which learned single Judge ought to have taken care of. It is submitted that this appeal be entertained.

3. Having heard the learned advocate for the appellant and having considered the material on record this Court finds as under:

3.1. The concerned workman, whose case was represented by the Union is a Tradesman. Management had imposed punishment of postponement of annual increment with cumulative effect for six months. This led to an industrial dispute which was registered as I.D.No.255 of 2017. The same was adjudicated by the Principal Labour Court at Chennai vide order dated 09.07.2019. After hearing the parties and considering the totality, the labour Court passed an award as under:

"In the result, the order passed by the respondent dated 08.10.2012 awarding the punishment of postponement of annual increment for six months with cumulative effect to the Tradesman Mr.B.Arivazhagan is set aside and modified as follows:

(1)The punishment of 6 months of stoppage of increment is reduced and fixed to 3 months with cumulative effect.

(2)The respondent Corporation is directed to remit back the amount already withheld by it on implementation of the impugned order with cumulative effect for three months to the Tradesman Mr.B.Arivazhagan within 30 days from the date of publication of award failing which the respondent would be liable to pay interest @ 12% per annum on the above amount."



3.2. The above was challenged by the management in W.P.No.33968 of 2019. Learned single Judge has declined to interfere in the award of the Labour Court.

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3.3. We have gone through the reasons recorded by learned single Judge. On overall consideration of the matter, in the view of learned single Judge, the exercise of powers by the labour Court to the extent of modifying the award of the labour court from postponement of annual increment for a period of six months to postponement thereof for a period of three months is not such, which warranted any interference. We find that, refusal to interfere in the award of the labour Court in this case, can not be said to be any error, which may call for any interference in an intra-court appeal.

4. For the above reasons, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mmi/3

To

The Management,
Metropolitan Transport Corporation,
Chennai Division,
Pallavan Salai, Pallavan Illam,
Chennai - 2.

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.57315

W.A.No.2758 of 2021

SS (CO)
SU (09/12/2021)