



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

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W.P. (MD)No.8566 of 2021

and

W.M.P (MD)No.6452 of 2021

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Division Ltd.,
Ranithottam, Nagercoil,
rep. by its General Manager.

... Petitioner

Vs.

Devaram Justin,
General Secretary,
T.N.S.T.C., Kamaraja Nadar,
Labour Union Registration No.537 KKM,
181/1, St., Micheal Building,
Mattiya Nagar, Nagercoil.

... Respondent

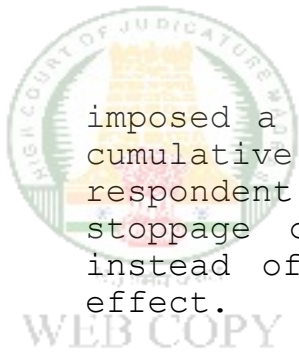
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the Labour Court, Tirunelveli, dated 24.10.2019 passed in I.D.No.60/2017.

For Petitioner : Mr.R.Rajamohan

ORDER

This writ petition is filed seeking a writ of Certiorari to call for the records relating to the impugned order passed by the Labour Court, Tirunelveli, dated 24.10.2019, passed in I.D.No.60/2017 and quash the same.

2. The writ petition is filed challenging the award of the Labour Court, Tirunelveli, made in I.D.No.60 of 2017 reducing the punishment imposed by the petitioner to one V.Chelladurai, who is the member of the respondent Union, working as conductor. On 29.08.2013 the said Chelladurai deviated the corporation bus bearing Registration No.TN-74-N-1401, Route No.4, E/B from Nagercoil to Seethapal through Ulavar Santhai instead of Kasi Viswanathar Temple, while the bus was going in one way, a person tried to board the bus, but he slipped, fell down and sustained injuries. The accident occurred only due to the act of the said Chelladurai, for deviating the route and preventing the person from trying to board a running bus. The petitioner after conducting the domestic enquiry,



imposed a punishment of stoppage of increment for three years with cumulative effect. In the Industrial Dispute raised by the respondent's Union, the Labour Court reduced the punishment of stoppage of increment for six months without cumulative effect instead of stoppage of increment for three years with cumulative effect.

3. According to the learned counsel appearing for the petitioner, the Labour Court without properly appreciating the materials placed before it, erroneously reduced the punishment. _The Labour Court ought to have seen had not the said Chelladurai deviated the bus from the route, the accident would not have occurred. The said Chelladurai on earlier occasion also committed the same mistake and punishment was also imposed. The Labour Court, without considering the antecedents of said Chelladurai, erroneously reduced the punishment imposed by the petitioner for stoppage of increment for three years with cumulative effect. The said punishment imposed by the petitioner is proper for the gravity misconduct committed by the said Chelladurai. The respondent has not made out any case for reducing the punishment and prayed for setting aside the order of the Labour Court.

4. From the above materials, it is seen that the petitioner has imposed a punishment of stoppage of increment for three years with cumulative effect for the misconduct committed by the Chelladurai, who was working as Conductor. In the Industrial Dispute raised by the respondent Union, the Labour Court had considered the nature of misconduct committed by the said Chelladurai and took note of the fact that the person tried to board the running bus slipped, fell down and sustained injuries, held that the accident occurred due to the fault of the deceased and the said Chelladurai would not have anticipated a person trying to board the running bus. At the same time, the Labour Court also took note of the fact that the said Chelladurai deviated the route and ought to have prevented the person from trying to board the running bus or stopped the bus to enable the said person to board into the bus.

5. Considering the above materials, the Labour Court held that the punishment of stoppage of increment for three years with cumulative effect is disproportionate to the misconduct committed by the said Chelladurai and reduced the punishment of stoppage of increment for six months without cumulative effect. The Labour Court properly appreciated all the facts and circumstances of the case in proper perspective and by giving cogent and valid reasons reduced the punishment imposed by the petitioner to stoppage of increment for six months without cumulative effect. There is no error in the award of the Tribunal reducing the punishment from stoppage of increment for three years with cumulative effect to stoppage of increment for six months without cumulative effect.



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

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

TO

1.The Labour Court,
Tirunelveli.

2.General Secretary,
T.N.S.T.C., Kamaraja Nadar,
Labour Union Registration No.537 KKM,
181/1, St., Micheal Building,
Mattiya Nagar, Nagercoil.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-17440[F] dated
26/04/2021)

W.P. (MD)No.8566 of 2021
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KVN(CO)

KB(07.06.2021) 3P 4C