



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)No.1116 of 2018

and

W.M.P. (MD) .No.1171 of 2018

WEB COPY

The General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
Nagercoil Region,
Ranithottam,
Nagercoil.

... Petitioner

/Vs./

1.The Presiding Officer,
The Labour Court,
Tirunelveli.

2.The General Secretary,
Kanyakumari District,
Bharathiya State Transport Employees Association,
Saithanium,
Vivakanandhar Street,
Ranithottam,
Nagercoil -1.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records from the first respondent Labour Court, Tirunelveli relating to the impugned award passed in I.D.No.27 of 2014, dated 29.10.2014 and quash the same.

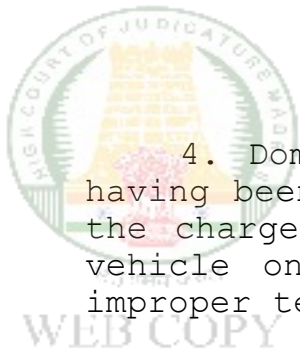
For Petitioner : Mr.K.Sathiya Singh
For R2 : Mr.T.Sakthi Kumaran
for M/s. Victory Associates

O R D E R

This writ petition has been filed at the instance of the Tamil Nadu State Transport Corporation, challenging an award of the Labour Court, dated 29.10.2014.

2. The Industrial Dispute in this case was filed through the State Transport Employees Union in relation to one Iyappan ('employee'). The said Iyappan was a Mechanic in the petitioner Corporation and had carried out a 'Wheel Shake Test' on 20.09.2008.

3. The vehicle in question appear to have suffered a break down on 26.09.2008 and the reason for the same was attributed to the incorrect testing carried out by the employee on 20.09.2008.



4. Domestic enquiry was carried out pursuant to a charge memo having been served on the employee and according to the petitioner, the charges stood proved to the effect that the break-down of the vehicle on 26.09.2008 was only on account of the inadequate and improper testing on 20.09.2008.

5. The matter was carried to the Labour Court at the instance of the Employees Union and after hearing all parties, the impugned award has come to be passed exonerating the employee from the charges. The award of the Labour Court at Paragraph No.8 onwards indicates the detailed application of mind by the Court to the dispute in question.

6. Two witnesses were examined by the Labour Court, the Management and an Engineer by name Albert, who deposed to the effect that there was a gap of a week between the test conducted by the employee and the actual break-down of the vehicle.

7. In the intermediate period, the vehicle had run satisfactorily and there were no defects or malfunctioning of the vehicle that was reported by the drivers. Hence, to attribute the blame for the break-down of the vehicle upon the employee was not proper.

8. The conclusion of the Labour Court is well founded and does not suffer from any perversity or factual inconsistency. Learned counsel for the petitioner would point out that the punishment awarded is increment cut for one year with cumulative effect which was a lenient punishment and thus, this ought not to have been reversed by the Labour Court.

9. However, the sufficiency otherwise of the punishment is not a matter that the Court will concern itself with except if it is demonstrated that the same was patently incorrect or inappropriate in regard to the charge itself. In any event, even in light of the admitted facts as has been noted aforesaid, I find no reason to interfere in the award passed by the Labour Court. This Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

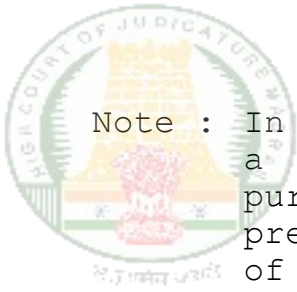
Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

akv



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The Presiding Officer,
The Labour Court,
Tirunelveli.
- 2.The General Secretary,
Kanyakumari District,
Bharathiya State Transport Employees Association,
Saithanium,
Vivakanandhar Street,
Ranithottam,
Nagercoil -1.

COPY TO:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1cc to MR.K.SATHIYA SINGH,Advocate, SR.No.37872

+1cc to MR.A.THIRUMURTHY,Advocate, SR.No.38164

Order made in
W.P. (MD)No.1116 of 2018
08.12.2021

PK (CO)

GC(31.01.2022) 3P 7C