



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2022

CORAM

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

W.A.No.3070 of 2021 against W.P.No.33971 of 2019
and
C.M.P.No.21225 of 2021

The Management,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002. ..Appellant/Petitioner

Vs

The General Secretary,
State Transport Employees Union,
Regn. No.73/MDS (CITU),
No.2, Pallavan Salai,
Kalaingaranga Valagam,
Chennai - 600 002. ..Respondent/2nd Respondent

Appeal preferred under Clause 15 of Letters Patent against the order dated 02.11.2020 made in W.P.No.33971 of 2019.

Prayer in W.P.No.33971 of 2019: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorari calling for the records pertaining to the order passed in ID.NO 238 of 2016, dated 30.05.2019 on the file of the II Additional Labour Court, Chennai and quash the same.

For Appellant : Mr.M.Chidambaram

JUDGMENT

(Made by PARESH UPADHYAY, J.)

Challenge in the appeal is made to the order dated 02 November 2020 recorded on W.P.No.33971 of 2019. It is noted that the impugned order is common qua three Writ Petitions being W.P.Nos.33967, 33968 and 33971 of 2019, however this appeal is qua Writ Petition No.33971 of 2019.

2. Learned advocate for the appellant / management has submitted that the respondent / workman had committed serious misconduct and therefore the punishment was imposed by the



appellant / management and the Labour Court ought not to have interfered with. It is submitted that since the Labour Court passed award interfering with the said punishment, the Writ Petition filed by the Management ought to have been allowed by the learned Single Judge. It is submitted that dismissal of the Writ Petition needs interference by this Court in this appeal. It is submitted that this appeal be entertained.

3. Having heard the learned advocates for the appellant and having considered the material on record, this Court finds that though serious misconduct is alleged by the appellant / management, ultimately the punishment imposed was withholding of increments for six months. It is this punishment which the Labour Court found that was unjustified, because according to Labour Court the charge against the workman was not proved. On the basis of this satisfaction, the Labour Court set aside the said punishment. Whether the award passed by the Labour Court interfering in the punishment which was withholding of increments for six months would call for filing of Writ Petition or not, is also an issue. Be that as it may, such a petition was filed by the Management. Learned Single Judge has also, on the basis of the material on record arrived at the satisfaction that no interference is required in the award passed by the Labour Court. On reading the order of the learned Single Judge, we find that by not interfering in the award passed by the Labour Court, learned Single Judge can not be said to have committed any error which may call for interference in an intra-court appeal. This appeal therefore needs to be dismissed.

4. For the above reasons, this appeal is dismissed accordingly. No costs. Civil Miscellaneous Petition would not survive.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

srm/40

To

The General Secretary,
State Transport Employees Union, Regn. No.73/MDS (CITU), No.2,
Pallavan Salai, Kalaiaranga Valagam, Chennai - 600 002.

+1cc to Mr.M.Chidambaram, Advocate SR. No.925

W.A.No.3070 of 2021

PR (11/02/2022)