



W.P.No.23222 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.23222 of 2014

and

M.P.No.1 of 2014

The Management,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore - 632 009,
Rep. by its General Manager.

...Petitioner

Vs

1.The Presiding Officer,
Principal Labour Court,
Vellore.

2.S.Kumaresan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the order passed by the 1st respondent in Industrial Dispute in I.D.No.58 of 2012, dated 12.02.2013 and to quash the same as illegal.

For Petitioner	: Mr.M.Aswin
For R1	: Labour Court
For R2	: Mr.S.Ravi



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ORDER

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Heard Mr.M.Aswin, learned counsel appearing for the petitioner and Mr.S.Ravi, learned counsel appearing for the second respondent.

2. For the charge of unauthorized absence, the second respondent herein was imposed with a punishment of dismissal from service, through an order dated 14.12.2001. When the order of punishment was challenged before the Labour Court, Vellore, in I.D.No.58 of 2012, the Labour Court had partly allowed the Industrial Dispute and ordered the management to reinstate the second respondent into service, with continuity of service, but had denied the back wages. The second respondent has not challenged the award, insofar as it denies the back wages. The second respondent has reached the age of superannuation on 30.06.2009 itself and his terminal benefits are yet to be disbursed.

3. The Labour Court had found that the second respondent had indulged himself in previous misconducts of unauthorized absence and therefore had denied the back wages. However, by taking a lenient view on



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the plight of the second respondent, owing to his poverty and burden of debt, the Labour Court had felt that the punishment of dismissal was disproportionate to the charges.

4. Insofar as the earlier precedents of misconducts are concerned, the second respondent was already imposed with a punishment, which fact is reflected in the order of the Labour Court itself. Thus, citing the incidents for which he was already punished as a precedent and imposing a major penalty of dismissal from service would be excessive and disproportionate and on this ground, I do not find any infirmity in the findings of the Labour Court.

5. Thus, there are no merits in the grounds raised by the management in the present Writ Petition and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking order/Non-speaking order
hvk



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To

- 1.The Presiding Officer,
Principal Labour Court,
Vellore.
- 2.The General Manager,
The Management,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore - 632 009



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M.S.RAMESH,J.

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