



W.P.No.18122 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.18122 of 2023
and M.P.No.1 of 2013

The Management
Tamil Nadu State Transport Corporation
Villupuram Ltd., Vellore Region
Vellore 632 009.

.... Petitioner

-Vs-

1.The Presiding Officer
Labour Court, Vellore.

2.K.B.Thanigaivelan

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the 1st respondent in I.D.No.24 of 2010 dated 05.05.2011 and quash the award.

For Petitioner : Mr.M.Aswin
For Respondents : No appearance

ORDER

The petitioner challenges the award of the labour court in Id No.24 of 2010 dated 5.5.2011.The reference was made at the instance of the second respondent Mr.Thanigaivelan. The writ petitioner Management had imposed punishment of stoppage of increment for two years with cumulative effect for the recovery of value of oil for Rs. 15.40 and for damage to the engine to the extent



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of Rs. 338.40. Reference was made by the Government under Section 10(1)(c) and 10(1)(d) of the Industrial Disputes Act 1947.

2. The facts leading to the writ petition are that the second respondent was working as a ATM Technician. While he was on duty on 01.04.2000, he has not maintained the engine oil flexible pipe in Bus No.182/D running from Andhra Pradesh to Tamil Nadu. Due to the cut in the oil hose pipe and leakage of oil, the bus was unable to be operated further. This being the cause, the Management imposed the above said punishment. Counter was filed to the said petition that the incident occurred after nearly 500 Kms of the running of the vehicle and the oil pipe was cut and due to the leakage of oil the bus could not be operated. They would contend that the punishment imposed is just and proper and did not require interference by the labour court.

3. On the side of the petitioner no witness was examined, on the side of the respondent one witness was examined. It is pertinent to point out that M.W.1 who was examined, was Selection Grade senior engineer on the rolls of the writ petitioner. He would state that it was the petitioner who was responsible for the incident that had occurred and no one else. He marked 8 documents viz. M1 to M8.

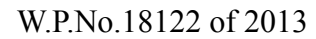


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4. After going through the evidence on record and the oral evidence that had been tendered, the learned industrial court came to a conclusion that the punishment was excessive and founded the petitioner was not responsible and therefore set aside the same. Challenging the said award, the present writ petition has been filed.

5. I have carefully gone through the papers, in particular paragraphs 8 to 12 of the impugned order. The learned Industrial Court has come to a categorical conclusion that it was not the second respondent Thanigaivelan who was responsible for the maintenance of the oil pipe but it was one Sahadevan, who was a technician, who was responsible for the said act.

6. Mr. Aswin learned counsel for the petitioner would submit that as against the said Sahadevan, proceedings were initiated and the same punishment had been imposed. Changing of oil pipe in a bus is not a rocket science requiring more than one person to deal with the act at the same time. The Labour Court has found that Mr. Sahadevan was responsible for the act and he has also been visited with the aforesaid punishments. Mr. Aswin would further add that the punishment has become final, as it had not been challenged by the said technician.



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V. LAKSHMINARAYANAN, J.

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