



W.P.No.4848 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.4848 of 2019 and
W.M.P.No.5515 of 2019

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

... Petitioner

Vs.

Thiru.T.Manoharan,
Represented by the General Secretary,
State Transport Employees Union (C.I.T.U)
Regn.No.7/M.D.S.
No.2, Pallavan Salai,
Kalaiaranga Valagam,
Chennai - 600 002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, calling for the records pertaining to the order passed in I.D.No.19 of 2018 dated 28.09.2018 on the file of the I Additional labour Court, Chennai and quash the same.



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For Petitioner : Mr.M.Chidambaram
For Respondent : Mr.T.Karkivelan

ORDER

This Writ Petition is filed by the Management, Metropolitan Transport Corporation, Chennai seeking to quash the orders passed in I.D.No.19 of 2018 dated 28.09.2018 by the I Additional labour Court, Chennai.

2. The respondent/C.I.T.U Union raised an Industrial Dispute before the Labour Court, Chennai on behalf of one T.Manoharan, driver who was in Route No.12G Special on 05.03.2010. The bus was plying from K.K.Nagar to Anna Square. When the bus was nearing Kamarajar Salai near War Memorial Statue, the driver of the bus hit a pedestrian as he suddenly crossed the road and the pedestrian got grievously injured. The Management of Metropolitan Transport Corporation issued a charge Memo, dated 18.02.2011 against the driver of the bus seeking explanation from the latter and subsequently on 22.11.2011, a show



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cause notice was also issued to him. The driver submitted his explanation. However, the Management without conducting any enquiry, imposed punishment of postponement of the annual increment for a period of one year with cumulative effect. Aggrieved over the same, the respondent herein approached the I Additional Labour Court, Chennai in I.D.No.19 of 2018. The learned Presiding Officer, I Additional Labour Court, Chennai after considering the arguments advanced by both side counsels, set aside the punishment awarded to the respondent and directed the Management to pay the amount already withheld by them to the respondent herein within a period of 30 days from the date of the order. Aggrieved over the same, the Management has filed the present Writ Petition.

3. Mr.M.Chidambaram, learned counsel for the petitioner/ Management, Metropolitan Transport Corporation contended that the Labour Court had committed an error in setting aside the punishment imposed on the respondent, especially when the respondent had driven the bus in a rash and negligent manner. He therefore prayed for allowing



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the present Writ Petition.

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4. Per contra, Mr.T.Karkkivelan, learned counsel for the respondent contended that though the Management issued a charge memo on 18.02.2011 to the respondent, they did not conduct any domestic enquiry and finally imposed a major punishment of postponement of increment for a period of six months with cumulative effect. He would therefore contend that the I Additional Labour Court Chennai was right in setting aside the punishment imposed by the petitioner/Management, on the respondent.

5. It is seen from the records that the petitioner issued a show cause notice on 22.11.2011, for which the respondent also sent his reply dated 20.03.2012. However, no domestic enquiry was conducted and instead a punishment of postponement of increment for a period of six months with cumulative effect was passed. This is totally against the Certified Standing Orders. The respondent has not also been given sufficient opportunity to prove his innocence. In the circumstances, I do



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not see any merit in the present Writ Petition. Accordingly the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-Speaking order
vum

R. HEMALATHA, J.



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