



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.06.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No. 27375 of 2016

and

W.M.P.No.23577 of 2016

The Management
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai – 600 002.
Represented by its Managing Director

...Petitioner

.Vs.

1.The General Secretary,
State Transport Corporation,
Employees Union,
Regd. No.73/MDS (CIU)
No.2, Pallavan Salai, Kalaiyaranga Valagam,
Chennai – 600 002.

2. The Presiding Officer,
I Additional Labour court, II Flor,
City Civil Annexure Building,
High Court compound, Chennai – 600 104.

...Respondents



Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the order passed in I.D.No.367 of 2010 dated 12.03.2014 on the file of the second respondent herein and quash the same and pass orders

For Petitioner : M/s.M. Chidambaram

For R1 :Mr. S.T. Varadarajalu

For R2 : Labout Court

ORDER

This petition is filed to issue a Writ of Certiorari calling for the records pertaining to the order passed in I.D.No.367 of 2010 dated 12.03.2014 on the file of the second respondent herein and quash the same

2. The facts of the case is that one Kolunchi is the conductor of the State Transport Corporation. While so on the date of the occurrence one lady passenger boarded in the said bus who is holding a invalid season ticket, for which there was a wordy quarrel between her and the conductor, due to which ten rupees was collected from her as bus fare. The further case is that the destination of the lady passenger is Senthil Nagar and it was already informed to her that the bus do not have stop at Senthil Nagar and



she was forced to travel upto Tambaram. Aggrieved against the untoward accident the lady passenger filed a complaint against the conductor on 25.05.2005. Based on the same the conductor was suspended from services and thereafter the Petitioner/ Management has revoked his suspension order on 16.06.2005 and reinstated him into service. After re-instatement into service the delinquent has given his explanation, however the petitioner/Management was not satisfied with the same and passed an punishment order dated 03.12.2005 wherein they have withheld one increment of the delinquent. Challenging the same the first respondent union filed I.D.No.367/2010 before the first Additional Labour Court, Chennai and the same was allowed by an order dated 12.03.2014. Aggrieved against the same the Petitioner / The Management Metropolitan Transport Corporation has fled this petition.

3. The learned counsel for the Petitioner / The Management Metropolitan Transport Corporation submitted that the act of the conductor with the lady passenger is unfair. He forced the lady passenger to travel upto Tambaram instead of Senthil Nagar, if the passengers travel in the bus are not aware of the landmark for reaching their destination, it is the



responsibility of the conductor to guide them by dropping them in a near by bus stand which is not done by the conductor. He further contended that the Court below failed to note that domestic enquiry is not necessary for minor punishment. Hence he prays to allow this petition.

4. The learned counsel appearing for the first respondent submitted that it was already informed to the lady passenger that the season ticket which she holds is not valid and she was also told that the bus will not stop at Senthil Nagar and she unnecessarily created trouble by boarding the bus. He further submitted that in the present case domestic enquiry has not been conducted which is against the principles of natural justice. Though the delinquent did not commit any mistake or misconduct he has been punished illegally. At any rate dismissal of services is excessive and even after re-instatement of service withholding one increment is unwarranted. Hence he prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. On perusal of the materials available on record it is seen that



the writ petition revolves around two aspects, firstly the delinquent has spoken impolitely with the lady passenger and secondly he has forced the lady passenger to travel beyond her destination, which is not fair. Even assuming that the delinquent has done so, the same ought to have proved by conducting a domestic enquiry, which is not done in this case. Hence this Court is inclined to grant one more opportunity to the delinquent to prove his case.

6. In the above circumstances, this Court is of the view that the matter may be remitted back to the petitioner/ The Management Metropolitan Transport Corporation who shall conduct an enquiry and pass orders on or before 30th September 2023. The delinquent is granted liberty to submit his objections.

7. With the above observations this writ petition stands disposed of. Consequently the connected miscellaneous petition is closed.

08.06.2023

smn

Index : Yes/No

Internet: Yes/No



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To.

1. Government of Tamil Nadu
Labour and Employment Department
Fort St George, Chennai – 9.
2. The Deputy Commissioner of Labour-I
(Conciliation) SIPCOT, Irunkattukottai
Sriperumbudur Taluk,
Kancheepuram District.
3. The Management of PMI Engineering Exports
Private Ltd.,
B-29, Phase-II, Madras Export
Processing zone (MEPZ),
Tambaram, Chennai – 45



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V.BHAVANI SUBBAROYAN,J.
Smn

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