



W.P.No.16562 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

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

W.P.No.16562 of 2019
and WMP No.16198 of 2019

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

... Petitioner

Vs.

The General Secretary
State Transport Corporation (CITU)
No.2, Pallavan Salai
Chennai 600 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the order passed in I.D.No.608 of 2015 dated 13.12.2018, on the file of Principal Labour Court, Chennai and quash the same.

For Petitioner : Mr.M.Chidambaram

For Respondent : Mr. R.Karkkivelan



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ORDER

1.The writ petitioner is the Metropolitan Transport Corporation, Chennai Ltd., represented by its Management.

2. One Srinivasulu, was working as a driver in the Metropolitan Transport Corporation Limited, Pallavan Illam, Anna Salai, Chennai-600 002, and on 1.1.2010, when he was driving a bus No.VPI553 in Route No.M70A/J, he hit a pedestrian, as a result of which, the pedestrian sustained injuries. The petitioner Management suspended him from service and subsequently, his increment was stopped for one year with cumulative effect. The respondent approached the Assistant Labour Commissioner (C) for conciliation. Since the conciliation failed the State of Tamil Nadu by G.O.No.498, Labour and Employment dated 15.9.2015 has referred the Industrial Dispute with the following point for adjudication to the Labour Court, Chennai.

i) Whether the demand of the union that the order of punishment of postponement of one consecutive yearly increment with cumulative effect dt.19.6.2010 awarded to the Driver E.Srinivasulu (Emp.No.D53500) has to be set aside is justifiable/if so, to pass necessary orders.

3. The Labour Court observed that no punishment can be imposed without conducting any enquiry and that as per the certified standing orders, minor punishments like Censure and fine alone can be inflicted without conducting enquiry. In the instant case, the Driver E.Srinivasulu was punished with stoppage of



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increment for one year with cumulative effect. Therefore, the Labour Court concluded that the Management was wrong in imposing punishment without conducting a domestic enquiry.

4. In the circumstances, I do not find any reason to interfere with the orders passed by the Presiding Officer, Labour Court.

5. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.11.2023

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

To

The General Secretary
State Transport Corporation (CITU)
No.2, Pallavan Salai
Chennai 600 002.



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R. HEMALATHA, J.

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