



W.P.No.16571 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.16571 of 2019
and WMP No.16200 of 2019

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

... Petitioner

Vs.

Mr.S.Loganathan
Rep.by General Secretary
Government Transport Employees Union
Pallavan Illam, Anna 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.213 of 2017 dated 1.12.2018, on the file of III Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr.M.Chidambaram

For Respondent : Mr. R.Karkkivelan



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ORDER

The writ petitioner is the Metropolitan Transport Corporation Chennai Limited. The respondent/S.Loganathan, was working as a Conductor in Mandaveli Depot and when he was working in a bus in Route No.29K-A, the Ticket Examiners found him (conductor) having a sum of Rs.93/- in excess than the ticket collection and they submitted a report to the Management on 22.6.2009, based on which, the Conductor was suspended. A charge memo was issued to him, for which, he gave his explanation on 6.7.2009 stating that the excess amount of Rs.93/- belongs to a particular passenger, who gave a sum of Rs.100/- for getting a ticket and forgot to collect the balance amount.

2.However, the Management, without conducting any enquiry had withheld the annual increment of the respondent for a period of six months with cumulative effect. Therefore, the respondent filed a petition under Section 2(A)2 of the Industrial Disputes Act, 1947, before the Presiding Officer, III Additional Labour Court, Chennai. The III Additional Labour Court *vide* its order dated 1.12.2018, held that the failure on the part of the Management for conducting a domestic enquiry vitiates the punishment imposed on the workman/conductor Loganathan and therefore allowed the industrial dispute. The present writ petition is filed challenging this order of the Labour Court.



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3.It is seen from the records that the petitioner management did not conduct any domestic enquiry and in absence of the same, it has to be held that stoppage of increment for a period of six months is totally perverse and therefore, I do not see any reason to interfere with the Order passed by the Presiding Officer, III Additional Labour Court. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

To

Mr.S.Loganathan
Rep.by General Secretary
Government Transport Employees Union
Pallavan Illam, Anna Salai
Chennai 600 002.



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R. HEMALATHA, J.

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