



W.P.No.24407 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24407 of 2018

And

W.M.P.No.28424 of 2018

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

... Petitioner

Vs.

The State Transport Employees Union,
Rep. by its General Secretary,
N.Sekar

... Respondent

Prayer:

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.273 of 2013 dated 19.02.2018 on the file of I Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr.M.Chidambaram
For Respondent : Mr.S.T.Varadharajulu



W.P.No.24407 of 2018

WEB COPY

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records pertaining to the order passed in I.D.No.273 of 2013 dated 19.02.2018 on the file of I Additional Labour Court, Chennai and to quash the same.

2.The case of the petitioner is that one of the members of the respondent union, namely, A.Ajith Doss was working as Driver under the petitioner. On 29.10.2002 when the said A.Ajith Doss was operating vehicle bearing Registration No.TN22-KV5191 in route Tambaram to Red Hills, dashed against a motor cycle, due to which, the motor cyclist and the pillion rider sustained injuries. Thereafter, the petitioner issued charge memo dated 03.04.2003 to the said A.Ajith Doss and conducted enquiry. Since the Enquiry Officer drawn proven report as against the said A.Ajith Doss, the petitioner issued second show cause notice to him on 09.12.2004 and thereafter vide order dated 24.03.2006 imposed the punishment of stoppage of increment for one year with cumulative effect.

3.The further case of the petitioner is that thereafter the respondent union raised industrial dispute in I.D.No.273 of 2013



W.P.No.24407 of 2018

before the I Additional Labour Court, Chennai, on behalf of the said A.Ajith Doss and the Labour Court passed award dated 19.02.2018 modifying the punishment imposed on the said A.Ajith Doss as stoppage of increment for one year without cumulative effect. Challenging the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that one A.Ajith Doss, driver a member of the respondent union, drove the vehicle in a rash and negligent manner and dashed against a motor cycle, due to which, the motor cyclist and the pillion rider sustained injuries. Hence, disciplinary action was initiated against him and after conducting the domestic enquiry in a fair and proper manner, the said A.Ajith Doss was imposed with the punishment of stoppage of increment for one year with cumulative effect, however, the Labour Court without assigning any reason, modified the punishment imposed on the said A.Ajith Doss as stoppage of increment for one year without cumulative effect, which is not sustainable one.

5.The learned counsel appearing for the respondent submitted that after perusing the entire records, the Labour Court arrived at a



W.P.No.24407 of 2018

conclusion that the motor cyclist and the pillion rider sustained only simple injuries and hence, the Labour Court by exercising the discretionary power, modified the punishment imposed on A.Ajith Doss to that of stoppage of increment for one year without cumulative effect, which warrants no interference.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts in the present case is not in dispute. Admittedly, one A.Ajith Doss, driver of the petitioner Corporation and a member of the respondent union, drove the vehicle in a rash and negligent manner and dashed against a motor cycle, due to which, the motor cyclist and the pillion rider sustained injuries, for which, the said A.Ajith Doss was imposed with the punishment of stoppage of increment for one year with cumulative effect by the petitioner. The Labour Court after perusing the entire records, arrived at a conclusion that the motor cyclist and the pillion rider sustained only simple injuries and hence, by exercising the discretionary power, modified the punishment imposed on A.Ajith Doss to that of stoppage of increment for one year without cumulative effect, which warrants no



W.P.No.24407 of 2018

interference.

WEB COPY

8.The writ petition is accordingly dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

27.09.2023

pri

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The I Additional Labour Court,
Chennai.



WEB COPY



W.P.No.24407 of 2018

M.DHANDAPANI,J.
pri

W.P.No.24407 of 2018
And
W.M.P.No.28424 of 2018

27.09.2023



WEB COPY



W.P.No.24407 of 2018