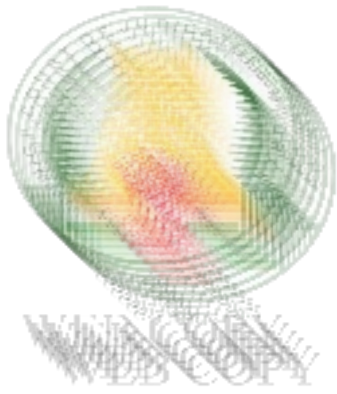




W.P.No.21107 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

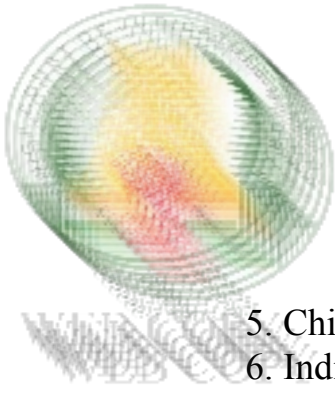
W.P.No.21107 of 2014
and M.P.No.2 of 2014

The Management,
Tamil Nadu State Transport Corporation Ltd (Salem Division),
Dharmapuri Regional,
Bharathipuram,
Dharmapuri-05
represented by its Managing Director

... Petitioner

-Vs-

1. The General Secretary,
Salem, Dharmapuri, Namakkal, Erode-
Mavata Pokuvarathu & Pothu Thozhilalar Sangam,
89/408, S.Mullai Nagar,
Suramanagalam (P),
Salem-05.
2. The Presiding Officer,
Labour Court,
Salem.
3. The State of Tamil Nadu,
Represented by its Secretary,
Labour and Employment Department,
Fort St.George,
Chennai.
4. Kalaiselvi



W.P.No.21107 of 2014

5. Chithra

6. Indira

7. Suresh

(R4 to R7 are impleaded as per order
dated 13.07.2023 in W.M.P.No.19548 of 2023
in W.P.No.21107 of 2014)

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records of the third Respondent passed in G.O.Ms.718 (D) Labour and Employment Department dated 04.10.2007 and the award passed by the second respondent made in I.D.No.168 of 2007 dated 24.07.2013 and to quash the same as illegal.

For Petitioner : Mr.R.Babu

For Respondents

R1 : Mr.P.Jagadesan

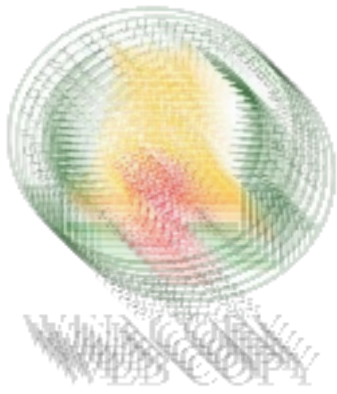
R2 : Court

R3 : Mr.Yogesh Kannadasan
Special Government Pleader

R4 to R7 : No appearance

ORDER

This Writ Petition has been filed challenging the award passed by the second respondent made in I.D.No.168 of 2007 dated 24.07.2013, thereby reduced the punishment and ordered stoppage of increment for a period of two years.



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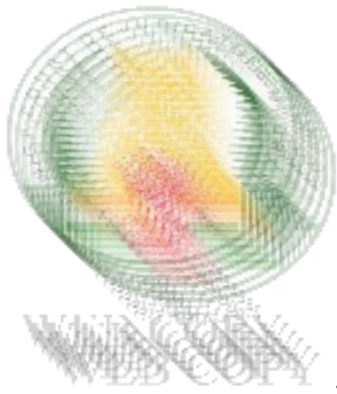
2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 and 3 and perused the materials available on record.

3. The learned counsel for the petitioner contended that the first respondent raised Industrial Dispute against the punishment as imposed under Section 2(K) of the Industrial Disputes Act before the Labour Officer, Krishnagiri. After conciliation and on failure of the conciliation, the Government of Tamil Nadu was pleased to make a reference as under Section 10 of the Industrial Disputes Act to the second respondent. The first respondent challenged the following punishments:-

“ 1. Whether the punishment imposed on the workman on 11.10.1986 for the misconduct of the “Fare collected and ticket not issued” of postponing the increment for the 3 months?

2. Whether the punishment imposed on the workman on 26.02.1996 for the misconduct of the “Fare collected and ticket not issued” of postponing the increment for the 1 year?

3. Whether the punishment imposed on the workman for the unauthorized absence for the period of 28.04.1996-01.06.1996 of postponing the increment for the 1 year?



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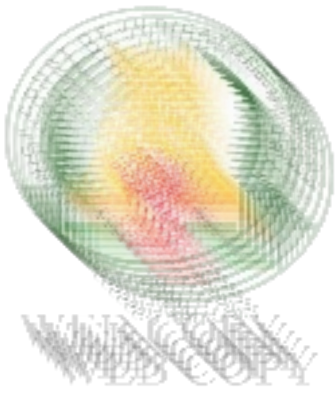
4. *Whether the punishment imposed on the workman for the unauthorized absence for the period of 06.02.1997 for 171 days of postponing the increment for the 1 year?*

5. *Whether the punishment imposed on 02.10.2003 the workman for the postponing the increment for the 1 year, while he was working in the Ticket reservation time keeping office?*

6. *Whether the punishment imposed on 17.12.2005 the workman for the postponing the increment for the 3 month, for indulging in a quarrel for the issuance of VIP seat?*

7. *Whether the punishment imposed on 30.09.2005 the workman for the reduction of the pay scale to the basic pay from Rs.7,080/- to Rs.4,280/- for the misconduct of assaulting co-employee?"*

4. The substantial issues 1 to 4 misconducts, the dispute was a stale one and the same is without any jurisdiction. The duty of the Tribunal to interfere if it was necessary to invoke Section 11A of the Industrial Disputes Act and not otherwise. When there is cogent evidence before the Tribunal with regard to the conduct of the workman indicating that he was in the habit of committing misconduct may be with a view to show that he is a strong person. Therefore, without applying the mind, the Tribunal reduced the punishment.



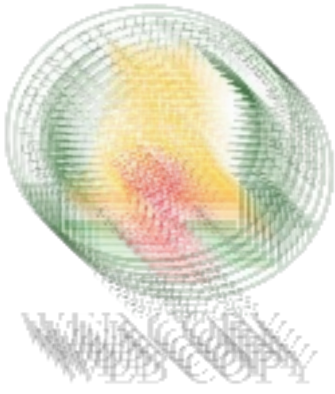
W.P.No.21107 of 2014

5. However, the first respondent died pending this writ petition and the legal heirs are impleaded in W.M.P.No.19548 of 2023 as respondents 4 to 7 herein. Therefore, the first respondent's employment itself had gone, since he died. Therefore, this Court finds no infirmity or illegality in the orders passed by the second and third respondents and this writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

13.07.2023
(2/2)

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn



W.P.No.21107 of 2014

G.K.ILANTHIRAIYAN, J.

mn

To

1. The General Secretary,
Salem, Dharmapuri, Namakkal, Erode-
Mavata Pokuvarathu & Pothu Thozhilalar Sangam,
89/408, S.Mullai Nagar,
Suramanagalam (P),
Salem-05.
2. The Presiding Officer,
Labour Court,
Salem.
3. The Secretary,
The State of Tamil Nadu,
Labour and Employment Department,
Fort St.George,
Chennai.

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13.07.2023