



WEB COPY



W.P.No.124 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

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

W.P.No.124 of 2022

J.Packiaraj

... Petitioner

Vs.

The Managing Director,
Metropolitan Transport Corporation,
(Chennai) Limited,
Pallavan Illam,
Anna Salai, Chennai - 600 002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Certiorarified Mandamus, calling for the records relating to the Award, dated 19.09.2019 of the Principal Labour Court, Chennai passed in I.D.No.1 of 2016, quash the same and consequently direct the respondent to sanction two increments to the petitioner from the punishment order, dated 28.08.1998 with other attendant benefits and award costs.

For Petitioner : Mr.S.T.Varadarajulu

For Respondent : Mr.R.Balaji,
Standing Counsel



W.P.No.124 of 2022

postponement of annual increment with cumulative effect for two years awarded to Mr.Packiyaraj, Conductor (Emp.No.12330) should be set aside is justifiable? If so to pass necessary orders.

2. The Presiding Officer, Labour Court, Chennai after examining the witnesses on both sides had held that the stoppage of increment for two years with cumulative effect imposed by the Management is perfectly in order and dismissed the reference made by the General Secretary, State Transport Employees Union (CITU). Now the present Writ Petition is filed by the employee.

3. Mr.S.T.Varadarajulu, Learned Counsel for the petitioner contended that the stoppage of increment for two years with cumulative effect is disproportionate to the charges framed by the Management and that the Writ Petitioner was not allotted any work. He, therefore prayed this Court to set aside the order passed by the Labour Court in I.D.No.1/2016.

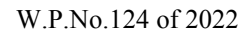


W.P.No.124 of 2022

WEB COPY

4. Per contra, Mr.R.Balaji, learned Standing Counsel appearing for the respondent/Management contended that the Writ Petitioner had already retired on superannuation on May 2013 and the State Transport Employees Union had raised Industrial Dispute in I.D.No.1/2016. In fact, the Union had gone for Conciliation and subsequently, the Government had referred the same to the Labour Court. According to him, the enquiry was conducted properly and that the punishment imposed on the Writ Petitioner is perfectly in order.

5. A perusal of the entire records would show that the Writ Petitioner ought to have reported for duty on 21.03.1997 at 12.00 noon. However he was late by 30 minutes and requested the Inspector/Controller to provide him duty on a specific route. It is also seen that he snatched the Control Chart to find out whether any work is available in the said route. He had demanded the Inspector to provide the spare attendance Register even though he was late for duty. When it was denied by the Inspector, he had abused the Management. In such circumstances, the charge Memo was issued to him and a domestic



07.11.2023

To
The Managing Director,
Metropolitan Transport Corporation,
(Chennai) Limited,
Pallavan Illam,
Anna Salai, Chennai - 600 002.



WEB COPY



W.P.No.124 of 2022

R. HEMALATHA, J.

vum

W.P.No.124 of 2022

07.11.2023