



W.P(MD)No.8810 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD)No.8810 of 2016

and

W.M.P(MD)No.7018 of 2016

The Management

Tamil Nadu State Transport Corporation,

Virudhunagar Region,

Madurai Road,

Virudhunagar.

...Petitioner

Vs.

1.The Presiding Officer,

Labour Court,

District Court Buildings,

Madurai.



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2.General Secretary,

State Transport Workers Union (CITU),

V.P. Cinthan Ninaivagam

6/662, Lakshmi Nagar,

Madurai Road,

Virudhunagar – 626 001.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari to call for the records of the first respondent in the proceedings in I.D.No.14 of 2014 dated 31.08.2015, quash the same.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Court - for R1

No Appearance - for R2

ORDER

This Writ Petition has been filed seeking to issue a Writ of Certiorari to call for the records of the first respondent in Proceedings in I.D.No.14 of 2014 dated 31.08.2015 and to quash the same in the interest of justice.



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2. Heard the learned counsel for the petitioner. In spite of service of notice, there is no representation for the second respondent. Perused the materials available on record.

3. The brief facts of the case are that :

On 09.02.2009 Thiru.S.Veerasathanantham, Conductor, Staff No.CR06813 approached the Traffic Supervisor for leave. During that time, some serious conversation between the Conductor and the Traffic Supervisor and alleged that the Conductor misbehaved with the Traffic Supervisor. The Conductor was placed under suspension from 07.02.2009 to 09.02.2009. The charge memo was issued to the Conductor on 09.02.2009. The Conductor has submitted his explanation on 13.03.2009. Dissatisfied with the said explanation, an enquiry was ordered and the Conductor participated in the said enquiry. Basing on the report, dated 04.11.2009 submitted by the Enquiry Officer, wherein, it is stated that the charge memo against the Conductor are all proved and also taking into account of the past records of the Conductor, a show cause notice was issued to the Conductor proposing the punishment of stoppage of increment for one year with cumulative effect. The



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Conductor submitted his explanation on 26.04.2010. As it is not acceptable, the proposed punishment was confirmed by order, dated 10.05.2010.

4. Challenging the said punishment awarded to the Conductor, the second respondent herein i.e., Trade Union raised a Industrial Dispute under Section 2(K) of the Industrial Dispute Act. On failure of conciliation, the Dispute was referred to the Labour Court, Madurai, for adjudication. After hearing, the Labour Court, Madurai, has passed the award, dated 31.08.2015 modifying the punishment of stoppage of increment for one year with cumulative effect as one year stoppage of increment without cumulative effect and also directed the management to pay three (3) days salary treating three days of suspension period as on duty. The said award is impugned in the present Writ Petition.

5. The learned Standing Counsel for the petitioner submits that the Labour Court wrongly held that the punishment awarded to the Driver is not just but excessive and erroneously modified the punishment without mentioning specific reason for such modification.



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6. The learned Standing Counsel further submits that the order of the Labour Court, Madurai, to treat that three days of suspension period as on duty days is also erroneous. The learned Standing Counsel further contends that the punishment awarded to the Driver is just and proportionate to the misconduct committed by him and sought to allow this Writ Petition.

7. As there is no representation on behalf of the second respondent, this Court proceed with the matter basing on the material available on record.

8. Having heard the submissions of the learned Standing Counsel for the petitioner and on careful perusal of the materials available on record, it appears that only charge levelled against the petitioner is that he misbehaved with the Traffic Supervisor on 09.02.2009.



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9. Admittedly, the petitioner by following the procedure imposed the punishment by order, dated 10.05.2010 after giving due opportunity to the workmen. However, the Labour Court, Madurai, in I.D.No.14 of 2014 raised by the second respondent herein, passed award on 31.08.2015 modifying the punishment of stoppage of increment for one year with cumulative effect as stoppage of increment for one year without cumulative effect and also directed to treat three days suspension period as on duty.

10. Considering the charge levelled against the workmen and the reasons stated by the Labour Court, Madurai, in its award, dated 31.08.2015 for modifying the punishment, in the considered opinion of this Court, interference of this Court is not required in this Writ Petition, as the Labour Court, Madurai, has passed a reasoned order basing on the facts and circumstances of the case.

11. For the above mentioned reasons, this Writ Petition is dismissed.



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12. No costs.

13. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes
NCC : Yes / No

RM

To

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Madurai.

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BATTU DEVANAND, J.

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