



W.P.(MD).No.26805 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26805 of 2023

S.Maharajan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Division,
Bye-Pass Road,
Madurai – 625 010.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Bye Pass Road,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to revise and drop the punishment imposed on the petitioner by the Second respondent in Ref:LD4TN/6715, dated 18.08.2015 in terms of Clause 61 of Settlement under Section 12(3) of Industrial Dispute Act, dated 30.09.1992 and in the light of the judgment of acquittal rendered in C.C.No.29 of 2015, dated 22.06.2023 by the Judicial Magistrate, Andipatty within the time frame



W.P.(MD).No.26805 of 2023

fixed by this Court.

WEB COPY

For Petitioner : Mr.N.Rajasekar
For Respondents : Mr.S.Gladson Michel Raja
Standing Counsel

ORDER

The present Writ Petition has been filed by a Driver of the respondent Transport Corporation seeking a mandamus as against the Management to drop the punishment, in view of the settlement arrived at between the Trade Union and the Management under Section 12(3) of the Industrial Dispute Act.

2. Admittedly, the petitioner was involved in a fatal accident, on 12.12.2014 and he was placed under suspension and consequentially a charge Memo was issued to the writ petitioner. After enquiry, the punishment of three years of increment cut with cumulative effect was imposed upon the writ petitioner, on 18.08.2015. The petitioner has immediately preferred an appeal before the first respondent on 07.04.2016, which is yet to be disposed of.

3. In the meantime, the criminal case filed against the writ petitioner ended in acquittal on 22.06.2023. According to the writ petitioner, in case of



W.P.(MD).No.26805 of 2023

the acquittal, the Management has to revise the punishment and drop all further proceedings. Citing the said 12(3) settlement, the petitioner has preferred an appeal to the first respondent herein on 14.07.2023. Therefore, it is for the first respondent to consider whether the petitioner is eligible to invoke Clause 61 of Settlement between the parties under Section 12(3) of the Industrial Disputes Act, on 30.09.1992.

4. In view of the above said facts, the first respondent herein is directed to consider the appeal filed by the writ petitioner, dated 14.07.2023, in the light of the judgment of the Criminal court in C.C.No.26 of 2015 on the file of the Judicial Magistrate, Andipatti, dated 22.06.2023 and dispose of the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

08.11.2023

NCC : Yes/No
Index : Yes / No



W.P.(MD).No.26805 of 2023

Internet : Yes / No
ebsi

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Division,
Bye-Pass Road,
Madurai – 625 010.
2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Bye Pass Road,
Dindigul.



WEB COPY



W.P.(MD).No.26805 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.26805 of 2023

08.11.2023