



W.P. No. 22187 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

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THE HON'BLE MRS. JUSTICE N. MALA

W.P. No. 22187 of 2019

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W.M.P. No. 21459 of 2019

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

..Petitioner

Vs.

The General Secretary,
Arasanga Pokkuvarathu Oozhiya Sangam,
Regn.No. 73/Connection M.D.S.(CITU),
Pallavan Salai, Chennai – 600 002.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying
for issue of a Writ of Certiorari to call for the records pertaining to the order
passed in I.D. No. 157 of 2015 dated 29.03.2019 on the file of the III
Additional Labour Court, Chennai and quash the same.



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collected Rs.2/- as fare from the passenger, thereby violating Section 25(XLI(b) of the Certified Standing Orders of the petitioner Corporation;

(b) that he had collected only a single fare and issued one ticket instead of double fare in respect of a luggage thereby violating Section 25(XLI)(a)(b) of Certified Standing Orders ;and

(c) that there was shortage of Rs.13.90 in his bag, which is violative of Section 25(XLI)(f) of the said Orders.

(ii) Based on the Checking Inspector's Report, the Conductor was suspended on 26.11.1994. A charge memo dated 02.12.1994 was issued and he was asked to submit his explanation. As the explanation submitted by him was not found to be satisfactory, a domestic enquiry was ordered. The Enquiry Officer submitted his report on 10.06.1995 holding that the charges were proved, following which, second show cause notice was issued on 15.08.1995, on the proposed punishment of termination from service. He submitted his explanation on 03.09.1995 and on consideration of the same, the proposed punishment of termination from service was modified to one of



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postponement of annual increment for 3 years with cumulative effect and orders to that effect were passed on 05.10.1995. Challenging the same, on behalf of the employee, the respondent Union raised an industrial dispute in I.D. No. 157 of 2015 before the III Additional Labour Court, Chennai and the Labour Court, on appreciation of the evidence on record, by award dated 29.03.2013 modified the punishment into one of postponement of annual increment for a period of one year instead of 3 years. Impugning the said award, the Management is before this Court in this writ petition.

3. The learned counsel for the petitioner Corporation submitted that the Labour Court erred in interfering with the punishment imposed by the authority overlooking that the Corporation modified the original proposed punishment of termination of service accepting the explanation of the Conductor.

4. Per contra, learned counsel for the respondent would submit that the award of the Labour Court is fair and just and the same does not call for any interference.



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5. I have heard the learned counsels on either side and perused the entire materials on record.

6. In respect of charge Nos. 1 and 2, namely, non-issuance of one ticket after collecting the fare from the passenger and collection of single fare and issuance of single ticket instead of double fare in respect of the luggage, the Labour Court found that the charges were not proved and the finding of the Labour Court with regard to the said charges is a finding of fact based on proper appreciation of materials on record. Therefore, I find no perversity in the said finding and the same is confirmed. However, in respect of the third charge, namely, shortage of Rs.13.90 in the bag of the delinquent is concerned, there was absolutely no explanation on behalf of the delinquent to the said charge and therefore, the Labour Court rightly held that the third charge was proved. In my view, the Labour Court having found that the third charge was proved, ought not to have interfered with the punishment imposed by the Management. It is seen that the petitioner Corporation, in pursuance



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of the explanation offered by the delinquent to the second show cause notice,

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N. MALA,J.

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had modified the proposed punishment of termination from service into one of postponement of annual increment for a period of 3 years with cumulative effect. The petitioner Management had exercised its discretion and modified the proposed punishment by accepting the explanation offered by the delinquent. Hence, the Labour Court ought to have refrained from interfering with the punishment.

7. For the foregoing reasons, the award of the Labour Court is set aside and the punishment imposed by the petitioner Management is confirmed. The writ petition stands allowed. No costs. Connected W.M.P. is closed.

08.02.2024

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To

The III Addl. Labour Court, Chennai.

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