



W.P.No.35924 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

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THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.35924 of 2019
W.M.P.No.36842 of 2019

The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited
No.27, Railway Station New Road,
Kumbakonam – 612001.

...Petitioner

Vs.

The General Secretary
Tamil Nadu State Transport Employees Association
VP Chindhan Ninaivagam
Railway Pudhu Road
Kumbakonam

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, calling for the records pertaining to the order passed in I.D.No.13 of 2016 dated 18.06.2019 on the file of the Industrial Tribunal, Chennai.

For Petitioner : M/s.C.Senapathi
For Respondent : Mr.S.T.Varadarajalu

ORDER

The Writ petition is filed challenging the order passed in I.D.No.13 of 2016 dated 18.06.2019 on the file of the Industrial Tribunal, Chennai.



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2. On behalf of the workman, Mr.Kannan, (tradesman), the respondent herein raised an industrial dispute challenging the punishment imposed by the petitioner of postponement of annual increment for two years vide Punishment order dated 04.11.2015. The charge memo was issued under Section 24(13C) (13D) (14) and 40 of the certified standing order of the Corporation to the workman for failing to do the duty allotted to him and also for preventing other employees from doing their duty. A domestic enquiry was conducted and the Enquiry Officer submitted his report on 05.03.2013.

3. In pursuance of the Enquiry report, an oral show cause notice was issued regarding the proposed punishment. Thereafter, the final punishment order was passed on 21.05.2013 reducing the pay by two stages with cumulative effect for two years. The employee preferred an appeal on 21.09.2015 and thereafter the punishment was modified on 04.11.2015, modifying the same as reduction in basic pay for two years instead of two stages. Aggrieved by the final punishment order, the respondent Union raised the dispute before the Industrial Tribunal. The Industrial Tribunal on appreciation of the entire evidence, allowed the dispute vide award dated 18.06.2019. Aggrieved by the award of the Industrial Tribunal, the petitioner



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has filed the writ petition.

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4. The learned Counsel for the petitioner submits that the Industrial Tribunal failed to note that the workman Kannan was responsible for the revenue loss to the Corporation and therefore the punishment imposed was justified. The learned Counsel further states that on appeal by the workman, the original punishment was modified to reduction of pay for 2 years instead of two stages. The learned counsel therefore submits that the Industrial Tribunal ought not to have interfered with the punishment. The learned counsel for the respondent on the other hand submits that punishment was interfered with by the Industrial Tribunal on proper appreciation of evidence and hence the same does call for any interference.

5. Heard both counsels and perused the materials placed on record.

6. It is seen that the Industrial Tribunal on the basis of the discrepancies in the enquiry report, the evidence of R.W-1 C.Madanraj, the Charge sheet and also on the failure of the petitioner to produce the Log Sheet/DMR or any document regarding the allocation of work to the delinquent workman, held that the charges were not proved by the petitioner. The learned counsel for the petitioner has not been able to establish any perversity in the appreciation of



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evidence by the Industrial Tribunal.

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7. In my view, the Industrial Tribunal has properly appreciated the evidence both oral and documentary and in the absence of any perversity in the said findings, I find no reason to interfere with the award passed by the Industrial Tribunal.

8. In view of the above discussion, the order passed by the Industrial Tribunal is confirmed. The Writ Petition is dismissed. Consequently connected miscellaneous petition is closed. No costs.

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Shl

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No



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N.MALA,J.

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