



W.A(MD)No.1076 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.07.2024**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR  
and  
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.1076 of 2024  
and  
CMP(MD)No.8068 of 2024**

The Management,  
The Tamil Nadu State Transport Corporation,  
(Madurai) Ltd.,  
Madurai.

... Appellant

vs.

The General Secretary,  
Tamilnadu State Transport Corporation Workers Union,  
(AITUC) Pattukkottai Kalyana Sundaram Street,  
By Pass Road, Madurai-625 016.

... Respondent

**Prayer :** Appeal filed under Clause 15 of the Letters Patent, against the order dated 09.09.2022 made in W.P(MD)No.9244 of 2022.

For Appellant : Mr.S.C.Herold Singh  
For Respondent : Mr.K.K.Samy

**JUDGMENT**

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

This appeal has been directed against the order passed by the Writ Court made in W.P(MD)No.9244 of 2022 dated 09.09.2022.



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2. The respondent Trade Union had filed a claim petition before the Labour Court, Madurai, which has been converted into I.D.No.37 of 2017, where, the disciplinary proceedings initiated against the employee namely, one M.Pandiarajan who was a driver working with the appellant Transport Corporation, was questioned.

3. Ultimately, the Labour Court by order dated 05.08.2021, passed an award setting aside the punishment awarded against the driver and allowed the said I.D by passing an award. Challenging the same, the appellant Transport Corporation filed a writ petition in W.P.(MD)No.9244 of 2022 and a learned Judge of this Court by order dated 09.09.2022, since he did not find any ground to interfere with the award passed by the Labour Court, was pleased to dismiss the said writ petition, as against which, the present appeal has been directed.

4. Heard Mr.S.C.Herold Singh, learned counsel appearing for the appellant who would submit that, the Labour Court on the sole ground that the enquiry officer's findings had not been produced before the Labour Court, has come to the conclusion that, the enquiry was not properly conducted and based on that, the Labour Court allowed the I.D. However, subsequently, the enquiry officer's proceedings had been traced out by the appellant Transport



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Corporation and now by way of additional typedset of documents, the appellant Transport Corporation is able to file such proceedings.

5. The learned Judge of the Writ Court has given the very same reason that has been given by the Labour Court in paragraph 11 of the award, concurred with the said view taken by the Labour Court and ultimately dismissed the said writ petition through the impugned order dated 09.09.2022.

6. We have gone through the award passed by the Labour Court as well as the order impugned of the Writ Court and also have gone through the copy of the enquiry proceedings as well as the clean copy of the same, as the enquiry proceedings is in manuscript.

7. Even in the documents which are now been filed before this Court, we are able to find that, the enquiry officer has recorded the evidence, but after recording the evidence, he has not gone through and given his findings as to whether the charge framed against the employee has been proved or not. Therefore, it cannot be stated as an enquiry officer's proceedings or enquiry officer's report except to say that, it is the recording of the evidence by the enquiry officer. Mere recording of the evidence by the enquiry officer cannot



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be the basis for the disciplinary authority to impose any punishment against the delinquent.

8. That apart, even this copy of the enquiry proceedings recording the evidence alone, has not been part of the proceedings before the Labour Court and has not been brought to the notice of the learned Judge also. Therefore, on that ground also, the Labour Court award as well as the confirming order passed by the Writ Court which is impugned herein, cannot be interfered with.

9. Assuming that, at this moment, the appellant Transport Corporation has filed this document, based on which, the learned counsel seeks indulgence of this Court to interfere with the order passed by the Labour Court as well as the Writ Court and to remit the matter back to the respondent is concerned, even this enquiry proceedings does not reflect any of the findings of the enquiry officer to establish that the charges framed against the delinquent employee has been proved, except to record the evidence which were placed before the enquiry officer. This has also been stated by the Labour Court in paragraph 11 of the award to say that, Ex.M5 is nothing but five of the documents which were referred before the Labour Court.



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10. Therefore, even now the appellant Transport Corporation is not able to place before this Court as to whether the enquiry officer having gone through the evidence recorded before him, has given any findings to establish that, the charges framed against the delinquent has been proved. In the absence of any such finding given by the enquiry officer, the disciplinary authority ought not to have inflicted any punishment against the employee. Therefore, to that extent, the view taken by the Labour Court as has been confirmed by the Writ Court do not warrant any interference at the hands of this Division Bench. Therefore, this Writ Appeal fails. Hence, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(R.S.K., J.)**

**(G.A.M., J.)**

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**R.SURESH KUMAR, J.**  
**and**  
**G.ARUL MURUGAN, J.**

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