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W.P.No.19840 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM :

THE HONOURABLE **Mr.JUSTICE P.DHANABAL**

**W.P.No.19840 of 2012**

**and**

**M.P.No.1 of 2012**

Tamil Nadu State Transport  
Corporation Villupuram Ltd.,  
Vellore Region,  
Rep. By its General Manager,  
Vellore – 632 009.

...Petitioner

Vs.

1. R.Kuppan
2. The Presiding Officer,  
Principal Labour Court,  
Vellore

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, to issue a writ of certiorari to call for the records of the second respondent pertaining to the order in I.D.No.6 of 2008 dated 12.02.2011 and quash the same.

|                |   |                               |
|----------------|---|-------------------------------|
| For petitioner | : | Ms.Pavithra<br>Senior Counsel |
| For R1         | : | No appearance                 |
| For R2         | : | Court                         |



W.P.No.19840 of 2012

WEB COPY

## ORDER

This writ petition is filed challenging the award dated 12.02.2011 passed by the Labour Court, Vellore (for brevity 'the Labour Court') in I.D.No.6 of 2008.

For the sake of clarity and convenience, the petitioner and the first respondent will be referred to as Management and Workman respectively.

2. The facts in brief as culled out from the affidavit of this writ petition is as follows:

2.1. The Workman was working as a Technician in the Management. On 19.04.2003, while the Workman was in night shift, the supervisor directed him to check up the engine oil and change the RC cooler plate as the engine oil was mixed with water in the radiator in the bus bearing reg.No.TN 23 N1472. The Workman left the duty without finishing the work. Thereafter, the above said work was done by two other persons viz., Vinayagam and Arunagiri. When the bus started its trip, bus stopped suddenly as the connecting rod was broken and thereby, the engine was ceased resulting in loss to the Management to a tune of Rs.91,459/-. Therefore, the Workman was charge sheeted.



W.P.No.19840 of 2012

WEB COPY

2.2. On 08.09.2003, the Workman submitted his explanation and as the Management was not satisfied with the explanation, domestic enquiry was conducted and charges framed against the Workman was proved. Based on the enquiry report, a showcause notice was issued and the Workman submitted his explanation on 04.01.2005. Thereafter, the Management *vide* order dated 10.03.2005 imposed the punishment of stoppage of increment for a period of one year with cumulative effect and ordered for recovery of Rs.1,000/- towards the cost of damages to the engine of the bus and he was also informed that appeal remedy was available for the punishment awarded to him. But the Workman instead of exhausting the effective remedy of appeal has raised the above dispute under Section 2 (K) of the I.D. Act, before the Labour Court in I.D.No.6 of 2008 and an award dated 02.02.2011 was passed stating that the charge framed against the Workman dated 13.08.2003 was not proved by the Management and Workman was not responsible for any of the losses and hence, the order dated 10.03.2005 was set aside. Aggrieved by the orders of the Labour Court, the present writ petition is filed.

3. The learned counsel for the Management would submit that the Workman was allotted with the duty to check the engine oil and change the RC



cooler plate but as he left home without finishing his duty, two other persons were indulged for doing the above said duty. The workman left for home without completing his work as his shift time was over. This shows his carelessness, irresponsibility and lack of duty conscious. And the bus suddenly stopped as the engine got seized. Further, the Workman was issued charge sheet, an enquiry was conducted and he was imposed with punishment. But the Workman, instead of exhausting the appeal remedy, filed I.D No.06 of 2008 and an award was passed by setting aside the order dated 10.03.2005. Hence, this writ petition is filed with the prayer as stated in the opening paragraph.

4. The learned counsel for the Workman submitted that the Workman was working as a Technician and when he was in night shift on 19.04.2003 he was directed to check up the engine oil and change the RC cooler plate for the bus bearing Reg.No.TN 23 N 1472 and he removed the cooler plate. In order to change the cooler plate with the help of gas cut, it would take 2 hours and as the gas cut was not available in the Management show room it was purchased from another depot and was given to the Workman and as his shift time was over he left for home by handing over the same to the Engineer Mohan and hence, he did not change the engine oil



cooler on that day. Thereafter, other two persons viz., Vinayagam and Arunagiri only changed the engine oil cooler plate. Therefore, the Workman is no way connected with the said incident of changing the engine oil cooler plate. But he was charge sheeted; domestic enquiry was conducted and the enquiry officer filed a report that the Workman along with two other workmen were responsible for the loss caused to the Management. The Management side witness has also admitted that the Workman had removed the cooler plate but there was no evidence to show that he changed the engine oil cooler plate. Further, to change the same it would take 2 hours of time with the help of gas cut. Since the gas cut was not available with the Management room, the same was purchased and given to him. As his duty time got over, he left for home. And hence, the engine cooler plate was changed by the other two workmen and not by the Workman. Therefore, the Workman was erroneously framed into this issue and an punishment was awarded to him. Subsequently, he filed I.D.No.6 of 2008 and the same was allowed by setting aside the order dated 10.03.2005 and hence, prayed that this writ petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. In the case on hand, there is no dispute that the Workman was



working as a Technician in the Management and he was directed to change the engine oil cooler plate in a bus. According to the Management, the Workman only removed the engine oil cooler plate and thereafter, due to non availability of cooler plate, the same was purchased from another depot and by that time his duty time was over and later he left for home handing over the same to the Assistant Engineer. It is clear that the above said work was not done by the Workman and the same is not denied by the Management. However, charges were framed against the Workman that he left for home without completing his duty and the said work was completed with the help of other two workmen. The charges framed clearly depicts that the Workman has only removed the engine oil cooler plate and not changed or replaced it and the Management side witness also categorically stated the same. It is not the case of the Management that the Workman left for home without completing his duty. Rather, it is evident that as the Workman left for home the said work of changing the engine oil cooler plate was completed by engaging other two persons only.

7. On going through the entire award, this Court is of the opinion that there is no infirmity in the order passed by the Labour Court. It is a settled legal proposition that the scope of the writ petition under 226 in



W.P.No.19840 of 2012

reviewing the award is very limited. This Court cannot sit like an appellate Court to re-appropriate and re-initiate the evidences placed before this Court, unless the award of the Court is patently perverse, this Court cannot intervene to revise the order of the Labour Court. The order of the Labour Court are passed after considering the entire materials on record and also the evidences.

8. This Court is of the view that there are no grounds to intervene in this writ petition and the writ petitioner failed to convince this Court as to why the order of the Labour Court has to be set aside. Accordingly, this writ petition is liable to be dismissed. Connected M.P. is closed. No costs.

**02.01.2025**

**vca**

Index : Yes/No  
Citation : Yes/No  
Index : Yes/No

To,

The Presiding Officer,  
Principal Labour Court,  
Vellore



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**P.DHANABAL,J.**

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W.P.No.19840 of 2012

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