



W.P.No.28061 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28061 of 2015

and

M.P.No.1 of 2015

Tamil Nadu State Transport Corporation
(Salem) Limited,
rep.by its Managing Director,
Salem.

... Petitioner

Vs.

1. The Presiding Officer,
The Labour Court,
Salem.
- 2.The General Secretary,
Salem, Dharmapuri, Namakkal, Erode,
District Transport and Public Labour Union,
89/408, S.Mullai Nagar,
Sooramangalam,
Salem-5.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records relating to the order passed in I.D.No.28 of 2011 dated 13.11.2014 passed by the first respondent.

For Petitioner : Mr.M.Aswin
For Respondents : R1-Court
No appearance for R2

ORDER

This Writ Petition has been filed challenging the order dated 13.11.2014 passed in I.D.No.28 of 2011 by the first respondent.

2. The learned counsel appearing for the petitioner submits that one Murugapoopathi, who is a member of the second respondent Union, joined as Driver in the petitioner Corporation on 03.04.1991 and he has retired from service on 31.05.2012. While he was in service, he committed fatal accident and thereby, the petitioner Corporation issued a charge memo and appointed the Enquiry Officer and the Enquiry Officer has drawn a



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proven minute, based on which, a punishment of postponement of annual increment for a period of two years vide order dated 25.02.1998 was imposed and the said order was implemented at the relevant point of time. Thereafter, the employee has filed an appeal on 11.01.2007 before the Appellate Authority to reduce the punishment and the said punishment was modified as postponement of increment for 18 months with cumulative effect. While so, after a lapse of 12 years, the second respondent Union raised I.D.No.28 of 2011 before the first respondent, namely, the Labour Court, Salem, challenging the punishment of postponement of increment imposed on the employee and the Labour Court allowed the Industrial Dispute in favour of the second respondent. Challenging the same, the present Writ Petition has been filed.

3. Heard the learned counsel appearing for the petitioner. Though notice was served on the second respondent, no one appeared before this Court.



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4. The employment of the member of the second respondent Union was not disputed by the petitioner Transport Corporation and the employee has retired from service on 31.05.2012. While the employee/member of the second respondent Union was in service, he committed fatal accident, for which, the petitioner Corporation conducted enquiry and based on the proven minute drawn by the Enquiry Officer, the punishment of postponement of increment for a period of two years was imposed vide order dated 25.02.1998 and thereafter, on appeal preferred by the second respondent on 11.01.2007 before the Appellate Authority, the punishment was reduced to postponement of increment for 18 months. After a lapse of 13 years, the second respondent Union raised Industrial Dispute challenging the said punishment. However, the fact remains that the punishment was implemented at the relevant point of time itself and it cannot be challenged after a lapse of 13 years and is hit by laches. Hence, the order passed by the first respondent in I.D.No.28 of 2011 dated 13.11.2014 is set aside.



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5. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Connected miscellaneous petition is closed.

06.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Presiding Officer,
Labour Court,
Salem.



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M.DHANDAPANI,J.

ssb

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