



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 12003 of 2023

and

WMP No.11856 of 2023

The Management,
Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
No.37, Mettupalayam Road,
Coimbatore- 641 043.

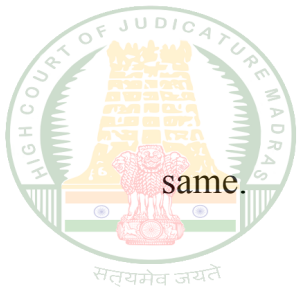
Petitioner(s)

Vs

The General Secretary,
Tamil Nadu Arasu
PokkuvarathuSeerudai Paniyalar
Thozhir Sangam,
Registration No. 1440, Coimbatore,
Door No. 610 / 200,
Periyanaickenpalayam,
S.R.K.V.Post,
Coimbatore- 641 020.

Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorari, calling for the records in I.D. No.4 of 2020 on the file
of the Principal Labour Court, Coimbatore dated 27.01.2022 and quash the



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For Petitioner(s): Mr.A.Sundaravadhanan

For Respondent(s): Mr.C.Venkatesan

ORDER

Writ petition is filed by the Union challenging the order dated 27.01.2022, in I.D.No.4 of 2020, raised under Section 2K of the Industrial Disputes Act, 1947, to set aside the punishment imposed on the workman.

2. The employee will be referred to as workman and the petitioner as Transport Corporation. The workman was employed as a Technical worker in the Transport Corporation, at second branch of Mettupalayam. According to the petitioner, on 24.09.2017, the conductor, on duty on board the bus bearing TN-43-N-0685, complained to the service engineer at 9.40 p.m about a mechanical defect in the vehicle. The conductor stated that the tyre detached from the axle of the bus, resulting in break down. The Transport Corporation on enquiry found that the workman along with two other workmen, was entrusted with the job of servicing the wheel on 22.09.2017, and due to their negligence in



properly tighten of the nuts on the wheel, the aforesaid break down took place

on 24.09.2017. The Transport Corporation therefore issued the workman a

charge memo on 26.09.2017, for the misconduct of dereliction of duty and for

loss of its reputation in the eyes of the public. The workman submitted his

explanation to the charge memo. Though the Transport Corporation found the

explanation to be unsatisfactory, it took a sympathetic view of the matter and

imposed the punishment of postponement of annual increment for six months,

without cumulative effect and further directed that the suspension from

05.10.2017 to 07.10.2017 (3 days) would be considered as leave. Aggrieved by

the punishment order, the respondent union raised the dispute. The Labour

Court on proper appreciation of the entire evidence on record, allowed the I.D.,

setting aside the punishment order dated 10.12.2017, of the respondent.

Aggrieved by the order of the Labour Court, the Transport Corporation filed the

above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that on the sole ground

that no enquiry was conducted, the Labour Court ought not to have allowed the



I.D, and rather it should have given an opportunity to the petitioner to prove the

misconduct before it. The learned counsel therefore prayed to set aside the

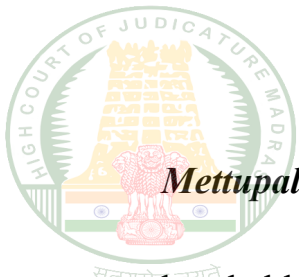
award of the Labour Court.

4. I heard both the learned counsels and perused the materials placed on record.

5. The facts are undisputed. To the Charge Memo issued to the workman on 26.09.2017, under Ex.M1, a reply was sent by the respondent union on 07.10.2017, under Ex.M2. Thereafter on 10.12.2017, impugned punishment of postponement of annual increment for a period of six months without cumulative effect and treating the suspension period from 05.10.2017 to 07.10.2017, as leave, under Ex.M5 was passed.

6. Admittedly, no enquiry was conducted before imposing the punishment on the workman. This Court, in the case of ***T.K.Palanisamy Vs. Managing***

Director, Tamil Nadu State Transport Corporation (Coimbatore) Ltd., No.37,



Mettupalayam Road, Coimbatore and others, reported in 2021 (1) LLJ 283,

has held that in the absence of departmental enquiry and opportunity to the workman to put-forth his defence to the charges, proceedings would stand vitiated for violation of principles of natural justice and the award was liable to be quashed. The said judgment squarely applies to the facts of the present case, inasmuch as the Transport Corporation failed to conduct an enquiry before imposing the punishment on the workman. The learned counsel for the petitioner, Transport Corporation submitted that the Labour Court ought to have given an opportunity to the petitioner/ Transport Corporation to lead evidence to substantiate the charge of misconduct.

7. However, from the counter filed by the Transport Corporation before the Labour Court in the I.D.No.4 of 2020, it is explicit that the Transport Corporation, did not pray or reserve a right to lead evidence before the Court for failure to conduct enquiry. In the absence of a request, the Labour Court cannot be faulted for not giving an opportunity to the Transport Corporation to lead evidence before it.



8. In the oft quoted judgment reported in **(1979) 3 SCC 371**, in the case of

Shankar Chakravarti Versus Britannia Biscuit Co. Ltd. and another. The

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Hon'ble Supreme Court categorically held that a specific request has to be made by the Management for leading evidence in support of the misconduct and that the Labour Court had no obligation to *suo moto* give the opportunity. The relevant para reads as follows:

“35. Having given our most anxious consideration to the question raised before us, and minutely examining the decision in Cooper Engineering Ltd. case to ascertain the ratio as well as the question raised both on precedent and on principle, it is undeniable that there is no duty cast on the Industrial Tribunal or the Labour Court while adjudication upon a penal termination of service of a workman either under Section 10 or under Section 33 to call upon the employer to adduce additional evidence to substantiate the charge of misconduct by giving some specific opportunity after decision on the preliminary issue whether the domestic enquiry was at all held, or if held, was defective, in favour of the workman. Cooper Engineering Ltd. case merely specifies the stage at which such opportunity is to be given, if sought. It is both the right and obligation of the employer, if it so chooses, to adduce additional evidence to substantiate the charges of misconduct. It is for the employer to avail of such opportunity by a specific pleading or by specific request. If such an opportunity is sought in the course of the



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proceeding the Industrial Tribunal or the Labour Court, as the case may be, should grant the opportunity to lead additional evidence to substantiate the charges. But if no such opportunity is sought nor there is any pleading to that effect no duty is cast on the Labour Court or the Industrial Tribunal suo motu to call upon the employer to adduce additional evidence to substantiate the charges.”

In view of the above discussions, I find no merit in the writ petition.

Hence, the same is dismissed. However, there shall be no order as to costs.

Consequently, the connected miscellaneous petition is closed.

dsn

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The General Secretary,
Tamil Nadu Arasu Pokkuvarathuseerudai Paniyalar Thozhir
Sangam, Registration No. 1440,
Coimbatore, Door No. 610 / 200,
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N.MALA J.

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