



W.P.No.12005 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.12005 of 2023
and WMP.No.11857 of 2023

The Management
Tamil Nadu State
Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam road,
Coimbatore – 641 043.

... Petitioner

Vs

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

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in I.D.No.160 of 2017 on the file of Principal Labour Court, Coimbatore dated 27.10.2021 and to quash the same.

For Petitioner

: Mr.M.Arun



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For Respondent

: Mr.C.Venkatesan

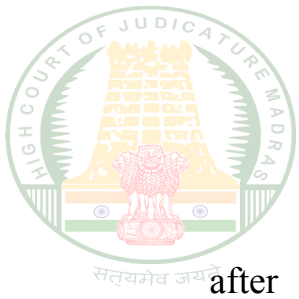
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ORDER

This Writ Petition is filed by the Transport Corporation for a writ of certiorari to quash the award in I.D.No.160 of 2017 dated 27.10.2021.

2. The Transport Corporation will be referred to as the petitioner Corporation and the employee on whose behalf the dispute is raised by the Union will be referred to as the employee.

3. The employee was working as a driver in the petitioner Corporation from the year 2001. While so, on the complaint lodged by the Driver Instructor, one Palanisamy on 17.07.2012, a charge memo was issued to the employee on 19.07.2012, by the petitioner Corporation. The employee was kept under suspension by order dated 19.07.2012. The employee submitted his explanation to the charge memo on 10.08.2012. Thereafter, Domestic Enquiry was conducted and the Enquiry Officer in his report dated 07.01.2013, returned findings that the charges levelled against the employee were proved. Thereafter, the petitioner Corporation



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after issuing a second show cause notice and dissatisfied with the explanation offered by the employee, passed the punishment order dated 14.10.2016, imposing the punishment of postponement of annual increment for one year without cumulative effect and treating the suspension period from 21.07.2012 to 27.07.2012 as leave period. Aggrieved by the punishment order, the employee raised an Industrial Dispute, which was registered as I.D.No.160 of 2017. The labour Court framed a preliminary issue on the fairness of the domestic enquiry and by award dated 16.12.2020, held that the domestic enquiry conducted by the petitioner Corporation was not proper and not in accordance with law. Thereafter, in the proceedings before the labour Court, the petitioner Corporation examined one witness to justify the punishment order. The labour Court on consideration of the entire materials on record passed the impugned order setting aside the punishment order dated 02.06.2014. Aggrieved by the Award dated 27.10.2021 of the labour Court, the petitioner Corporation has filed the above writ petition for the aforesaid relief.

4. The learned counsel for the petitioner Corporation submitted that



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the finding of the labour Court that MW1 was not a witness to the occurrence and therefore his evidence could not be relied on is erroneous.

The counsel submitted that the labour Court erred in drawing adverse inference only against the petitioner when the employee also failed to lead evidence. The counsel therefore prayed to set aside the labour Court Award.

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

6. Indisputably, the employee was a driver in the petitioner Corporation and was imposed with punishment of postponement of increment without cumulative effect for one year and treating the suspension period from 21.07.2012 to 27.07.2012 as leave, on the basis of the enquiry conducted pursuant to a complaint filed by one Driver Instructor, Palanisamy. Being aggrieved by the punishment order dated 14.10.2016, the respondent Union raised the Industrial Dispute. The Labour Court passed preliminary award on 16.12.2020, holding that the domestic enquiry conducted by the petitioner management was not proper and valid in law. Subsequently, the petitioner Corporation examined one

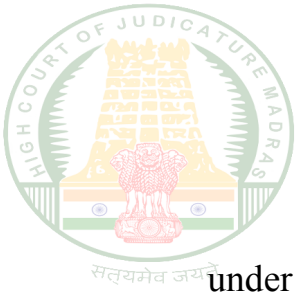


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witness (MW1) and marked Exs.M1 to Ex.M7 to prove the misconduct of the employee. Thereafter the labour Court passed the impugned Award.

7. On a careful perusal of the records, it is seen that the disciplinary proceedings were initiated pursuant to a complaint (Ex.M2) lodged by one Palanisamy, Driver Instructor, alleging that the employee had verbally abused him while he was counselling him on safe driving and fuel efficiency practices. According to the petitioner Corporation, the incident occurred in the presence of 2 eye-witness one Selvaraj and bunk employee, Viswanathan. Though the petitioner Corporation offered an explanation that the complainant had retired from service, it had not furnished any satisfactory reasons for its failure to examine the 2 eye witnesses. Instead the petitioner Corporation chose to examine MW1 a Junior Engineer, who admittedly had no knowledge of the occurrence having joined the Corporation subsequent to the occurrence. The labour Court on appreciation of the evidence on record rightly held that the petitioner Corporation had failed to discharge the burden cast upon it to establish the alleged misconduct. The labour Court noted that one Vishwanathan another witness to the incident who lodged a complaint



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under Ex.M7, was very much in service at the relevant time but was not examined and such omission proved fatal to the petitioner Corporation's case. The findings of the labour Court are just and reasonable and hence cannot be faulted.

8. In the light of the above and finding no perversity or infirmity in the reasoning of the labour Court, this Court is not inclined to interfere with the labour Court's impugned Award. Hence, this Court, finding no merit in the writ petition, dismisses the same. There shall be no order as to costs.

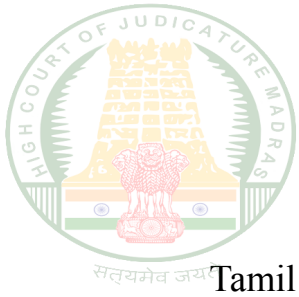
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Index: Yes/No
Speaking order/Non-speaking order
dpq

To

The General Secretary,

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N.MALA, J.

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