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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.No.19630 of 2023
and
W.M.P.No.18885 of 2023

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

...Petitioner

...Versus...

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
praying for issuance of a Writ of CERTIORARI, to call for the records in
I.D.No.78 of 2019 on the file of the Principal Labour Court, Coimbatore
dated 04.04.2022 and quash the same.

For Petitioner :: Mr.A.Sundaravadhanan

For Respondents :: Mr.R.Krishnaswamy

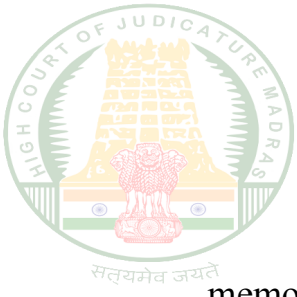
**ORDER**

The present Writ Petition has been filed seeking to quash the award

dated 04.04.2022 passed by the Principal Labour Court, Coimbatore, in I.D.No.78 of 2019.

2. The brief facts leading to the filing of the above Writ Petition are as follows:

(i) A member of the respondent Union, namely one Arumugam, was working as a Driver in the petitioner-Management. While so, on 15.06.2016, during the afternoon second shift, since there were no other drivers available at that time, he was asked to take charge of any one of the buses bearing Nos.1510, 1787, 2090, 1523, or 1515. However, the said P.Arumugam responded that he would work only on the bus bearing No.2479 operating on route number AR-3, and he refused to drive any of the other buses mentioned above. He also told the respondent to "do whatever they want" and refused to work on that date. As a result, the respondent had to make alternative arrangements for a driver, thereby incurring not only a revenue loss of Rs.2,500/-, but also causing an operational delay to the bus bearing No.1010 and a kilometre loss of 105 KM. The above act of the petitioner Union member is in violation of Standing Order Rule No.14(b).



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(ii) For the above misconduct, the Management issued a charge memo to the petitioner Union member vide No.1/G9/3452/TNSTC/16, dated 27.06.2016. On 11.07.2016, he submitted his explanation, which was not accepted. Thereafter, the respondent imposed a minor punishment by postponing his annual increment for three months without cumulative effect. Subsequently, the respondent Union challenged the said order before the Labour Court, Coimbatore, in I.D.No.78 of 2019 by raising an industrial dispute. The Labour Court allowed the petition and set aside the punishment imposed by the Management. Aggrieved by said order, the petitioner-Management has filed the present writ petition.

3. The learned counsel appearing for the petitioner submits that the member of the respondent-Union, namely Arumugam, was directed by the officials to operate buses on other routes. However, he insisted that he would work only on a particular bus plying on route AR-3 and refused to take up any other routes. Consequently, the said route had to be operated by arranging an alternative driver, which caused operational delays and resulted in a loss of Rs.2,500/- to the Management. For this misconduct, a charge memo was issued to him. Although he submitted his explanation, the same was not found satisfactory. Therefore, the Department imposed a



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punishment of withholding his annual increment for three months without cumulative effect. The respondent thereafter challenged the said order before the Labour Court. However, the Labour Court, without properly considering the seriousness of the charges and the misconduct committed by the respondent member, erroneously set aside the punishment imposed by the petitioner-Management by allowing the industrial dispute. Therefore, the order passed by the Labour Court is liable to be set aside.

4. The learned counsel appearing for the respondent submits that the Member of the respondent Union, namely Arumugam, who was working as a driver under the petitioner-Management, was issued a charge memo alleging that he refused to take the route allotted by the officials and insisted that he would work only on route AR-3, thereby refusing to perform his duties on that day. In fact, no such misconduct was committed by the respondent. However, in response to the charge memo, the driver submitted his explanation, which was not considered. Even without conducting any enquiry to substantiate the charge, the Management imposed punishment, without affording the driver even the minimum opportunity to defend himself. The imposition of such punishment is contrary to law and violative of the principles of natural justice. Therefore, the Labour Court rightly

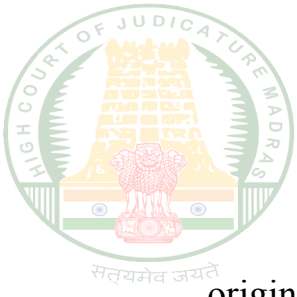


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allowed the industrial dispute and set aside the punishment, placing reliance on the judgment of the Hon'ble Supreme Court in O.K.Bhardwaj V.Union of India & others, Civil Appeal No.12774 of 1996, dated 04.10.1996. Accordingly, the order passed by the Labour Curt is in accordance with law, and the present writ petition is liable to be dismissed.

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

6. According to the petitioner, a charge memo was issued against a driver, who is a member of the respondent Union, for the alleged misconduct committed on 15.06.2016 during the afternoon second shift. At that time, as there were no other drivers available, P.Arumugam was asked to operate any one of the buses bearing Registration Nos.1510, 1787, 2090, 1523, or 1515. However, he stated that he would operate only the bus bearing No.2479 on route AR-3 and refused to drive any of the other buses. As a result, an alternative driver had to be arranged, causing an income loss of Rs.2,500/- to the Management. The petitioner contends that this act amounts to misconduct under Standing Order Rule No.14(b).



7. The driver denied the charges and requested a copy of the original complaint, as well as the conduct of a domestic enquiry to defend himself against the allegations. However, the Management, without conducting a domestic enquiry and without following the principles of natural justice, straightaway imposed punishment by withholding his increment for a period of three months without cumulative effect.

8. According to the Management, since the punishment of withholding an increment is a minor punishment, no enquiry was required prior to its imposition. However, in this context, it is relevant to refer to the judgment of the Hon'ble Supreme Court in O.K.Bhardwaj V. Union of India and Others, Civil Appeal.No.12774 of 1996, 4th October 1996, wherein the Hon'ble Supreme Court held that even for minor punishments, such as withholding an increment with or without cumulative effect, a domestic enquiry must be conducted; otherwise, it amounts to a violation of the principles of natural justice.

9. In view of the dictum laid down by the Hon'ble Supreme Court, the Management ought to have conducted the domestic enquiry and, thereafter, upon affording an opportunity to the petitioner, imposed any



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passed punishment. Therefore, the punishment awarded by the Management is contrary to law and is liable to be set aside. The Labour Court, after relying upon the above said judgment of the Hon'ble Supreme Court and considering the admission made by the petitioner-Management that no domestic enquiry was conducted, rightly set aside the punishment imposed by the Management. Hence, there is no perversity or illegality in the order passed by the Labour Court, and the same does not warrant interference. Accordingly, this petition is devoid of merit and is liable to be dismissed.

10. In the light of the above observations, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, the connected W.M.P is closed.

10.07.2025

nvi

Index:Yes/No

Internet:Yes/No

Speaking Order:Yes/No

To:

The General Secretary,
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8



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nvi

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