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W.P.No.20891 of 2025 and W.P.No.16215 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.20891 of 2025 and W.P.No.16215 of 2025
and WMP.No.23612 of 2025 in W.P.No.20891 of 2025

W.P.No.20891 of 2025 :

The General Manager
Tamil Nadu Government Transport Corporation
(Villupuram) Ltd.,
Tiruvannamalai Zone
Tiruvannamalai.

... Petitioner

Vs

The General Secretary
North Arcot District General Workers
Association Regn.No.285/NAT/1980
No.5(18), Amirthalinga Swamy Sannathi Street
Kosapet, Vellore - 632 001.

... Respondent

W.P.No.16215 of 2025 :

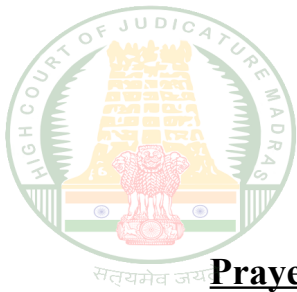
M.Sivakumar

... Petitioner

Vs

M/s.Tamil Nadu State Transport Corporation
Rep. by its General Manager
TNSTC Divisional Office
Tiruvannamalai - 606 604.

... Respondent



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Prayer in W.P.No.20891 of 2025 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the Award passed in I.D.No.52 of 2022 dated 19.09.2024 on the file of the Principal Labour Court, Vellore and quash the same.

Prayer in W.P.No.16215 of 2025 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to implement the award of the Principal Labour Court, Vellore, passed in I.D.No.52 of 2020 dated 19.09.2024, by considering the representations of the petitioner dated 14.10.2024 and 10.03.2025.

In W.P.No.20891 of 2025 :

For Petitioner : Mr.T.Chandrasekaran

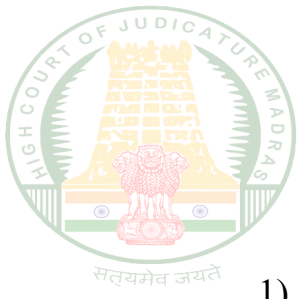
In W.P.No.16215 of 2025 :

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.T.Chandrasekaran

COMMON ORDER

Both the above writ petitions are filed in respect of the award passed in I.D.No.52 of 2022. The relief sought for in these writ petitions are as below :



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W.P.No.20891 of 2025 and W.P.No.16215 of 2025

- 1) W.P.No.16215 of 2025 is filed by the workman seeking a mandamus to the respondent-Corporation to implement the award passed in I.D.No.52 of 2020 by the Principal Labour Court, Vellore.
- 2) W.P.No.20891 of 2025 is filed by the Transport Corporation challenging the award passed in I.D.No.52 of 2020 by the Principal Labour Court, Vellore and to quash the same.

2. The facts are briefly set out herein below. The parties are referred to as per the ranking in W.P.No.20891 of 2025.

- a) One Sivakumar had joined the services of the petitioner-Corporation as driver on 06.10.2010. In the course of this employment, on 07.02.2020, Sivakumar (hereinafter referred to as 'workman'), the driver was entrusted with a bus bearing Regn.No.TN-25-N-0543 at Chennai Koyambedu Bus Terminal. As per the schedule, he should start the bus at 21.45 hrs., however, with just 18 passengers, he started the bus, half an hour earlier. When the Assistant Manager (Commercial) questioned the conductor about this, he replied that it was the driver who had



moved the bus on his own volition before the usual time. Thereafter, when the Assistant Manager (Commercial) interrogated the workman, he abused him in the presence of the passengers. Not stopping with this, the workman had also stopped the bus in the middle of the road and refused to take the bus, as a result of which, there was a traffic jam for 10 minutes.

- b) Taking into account the previous history and the present misconduct of workman, the petitioner-Corporation had imposed a punishment of stoppage of increment for a period of one year. The workman was temporarily suspended from service on 04.03.2020, followed with a charge memo on 09.06.2020, framing 9 charges against him.
- c) The workman requested the petitioner-Management to produce the basic documents to enable him to submit his explanation vide his letter dated 10.06.2020. The petitioner-Corporation had given him only the copy of the complaint dated 10.02.2020 given by the Assistant Manager (Commercial). This copy was given to him on 08.07.2020. On 09.07.2020, the workman had also submitted his reply denying the charges framed against him.



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- d) His explanation was not accepted and the petitioner-Corporation has ordered a domestic enquiry. The Enquiry Officer commenced his proceedings on 22.10.2020 and submitted his report on 29.10.2010, stating that all the charges against the workman were proved.
- e) On 20.11.2020, the petitioner-Corporation sent a show cause notice to the workman, enclosing a copy of the enquiry report, in which, they had suggested stoppage of increment for a period of two years and to deduct the days spent on temporary suspension from his eligible leave account, and also called for an explanation from the workman.
- f) On 24.11.2020, the workman submitted his explanation denying the allegations in the enquiry report and requested the petitioner-Management to set aside the punishment. However, his explanation was not accepted and by an order dated 02.12.2020, the petitioner-Corporation imposed a punishment of stopping his increment permanently for a period of one year with cumulative effect and ordered deduction of days spent on suspension from his leave account.



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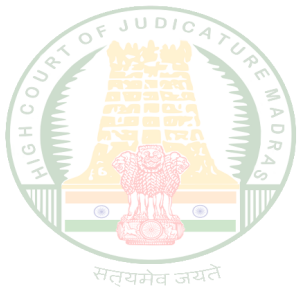


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- g) The workman was a member in the respondent-Union. The respondent-Union had raised an Industrial Dispute in I.D.No.52 of 2022 before the Principal Labour Court, Vellore, seeking to set aside the order dated 02.12.2020, imposing punishment on the workman.
- h) The conciliation proceedings failed and the Conciliation Officer submitted a failure report to the Government. The Government thereafter vide G.O.(D) No.206 dated 04.05.2022, had referred the matter to the Industrial Tribunal to answer the following issue :

"Whether the punishment order dated 02.12.2020 issued against one Mr.Sivakumar, Employment No.45596 for permanent stoppage of increment for a period of one year (with cumulative effect) and the order of deduction of the days spent on suspension from his eligible leave account imposed by the Tamil Nadu State Transport Corporation Villupuram Limited, Tiruvannamalai Zone, Tiruvannamalai District, is liable to be set aside or not? as claimed by the petitioner-union?"

- i) The Labour Court on considering the evidence on record, held that though the action against the workman had been initiated on the basis of the complaint given by the Assistant Manager (Commercial) of the Corporation, who had complained that the



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workman had used abusive language against him, he had not been examined as a witness. On the contrary, one Devan, a Checking Inspector was examined and it is through him, the complaint dated 10.02.2020 was marked. The witness neither deposed that he was the eyewitness to the occurrence nor he was a witness to the statement that the driver/workman had abused the Assistant Manager (Commercial) in front of him. Despite there being no evidence to prove the alleged incident, the Enquiry Officer had concluded that the workman guilty of the charges. Further, the workman had not even been cross-examined by the petitioner-Corporation. Therefore, the learned Judge has set aside the order of punishment imposed upon the workman.

Challenging this award, the Management has filed a writ petition in W.P.No.20891 of 2025 seeking to set aside the award. On the other hand, the driver/workman had filed W.P.No.16215 of 2025 to have the award implemented and also to consider his representations dated 14.10.2024 and 10.03.2025.



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3. The learned counsel appearing for the Management would submit that the Labour Court had failed to appreciate the documents submitted on the side of the Management and further the Labour Court has failed to appreciate that the punishment imposed upon the workman is a lesser punishment for his grave misconduct. The Labour Court having found that the enquiry was conducted in a fair and impartial manner, it ought not to have set aside the punishment.

4. Heard the learned counsel on either side.

5. As held by the Labour Court, the charges framed against the workman had been initiated only on the basis of the complaint given by the Assistant Manager (Commercial), who claimed that the workman had started the bus half an hour ahead of the scheduled time, and when questioned, the workman had abused the Assistant Manager (Commercial) with intemperate language. The Assistant Manager (Commercial) therefore being the victim of the abusive behaviour, has not been examined as a witness. On the contrary, the person examined is a Checking Inspector,



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who is not a witness to the action of the workman. Therefore, since the petitioner-Corporation has not been able to establish the charge against the workman-driver and as they have kept the best witnesses, away from the Court, the order passed by the Labour Court cannot be found fault with.

6. In the result, the writ petition in W.P.No.20891 of 2025 filed by the Management is dismissed and the writ petition in W.P.No.16215 of 2025 filed by the workman is allowed. The respondent-Transport Corporation is directed to implement the award in I.D.No.52 of 2022 on the file Principal Labour Court, Chennai, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

17.06.2025

Index : Yes / No

Neutral Citation : Yes / No

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To:

The General Manager

Tamil Nadu State Transport Corporation

TNSTC Divisional Office

Tiruvannamalai - 606 604.



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P.T. ASHA, J.

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