



W.P.No.21857 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **P.DHANABAL**

W.P.No.21857 of 2023
and W.M.P.No.21184 of 2023

The Management,
Metropolitan Transport Corporation
Head Office,
Pallavan Salai,
Chennai.

.... Petitioner

Vs

The General Secretary
Arasu Pokkuvarathu Oozhiyar Sangam,
Regn.No.73/MDS,
2, Pallavan Salai,
Kalaingaranga Valagam,
Chennai.

.... Respondent

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order passed in I.D.No.224 of 2022 dated 08.02.2023 on the files of II Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr.C.Gauthamaraj



W.P.No.21857 of 2023

For Respondent : Mr.S.T.Varadarajulu

WEB COPY

ORDER

This writ petition has been filed by the petitioner to quash the order passed by the II Additional Labour Court, Chennai in I.D.No.224 of 2021 dated 08.02.2023.

2. Before the Labour Court, the respondent union raised an Industrial Dispute against the petitioner management, alleging that their member namely Velmurugan was working as a driver in the petitioner management, was awarded punishment of postponement of increment for 3 months and the period of suspension from 17.12.2014 to 09.04.2015 was treated as leave vide order dated 06.06.2017.

3. The charges against the said Velmurugan were that he indulged in misconduct, including damaging petitioner's property, while entering the office under the guise of protest. A charge memo was issued on 5.1.2015, to which, he submitted an explanation. Being not satisfied with his explanation, a domestic enquiry was conducted.



W.P.No.21857 of 2023

4. The enquiry officer rendered his findings that no charges were proved against the respondent. Subsequently, the management issued a 2nd show cause notice, requesting another explanation. Again the driver filed his explanation. Being not satisfied with the explanation, the management awarded punishment of postponement of annual increment for three months without cumulative effect and the period of suspension was treated as leave. However, the disciplinary authority, without providing reasons for not accepting the enquiry findings, directly passed an order.

5. The aforesaid punishment was challenged before the Labour Court by raising an Industrial Dispute. The Labour Court after hearing both sides, allowed the Industrial Dispute and set aside the award passed by the management. Aggrieved by the said order, the present writ petition has been filed.

6. The learned counsel for the petitioner would submit that one Velmurugan who was working as a driver and a member of the respondent union, along with others, engaged in a protest during which



W.P.No.21857 of 2023

they forcefully entered into the office of the petitioner, damaged the properties and engaged in violence. Consequently, a charge memo was issued to the delinquent, who submitted an explanation. Being not satisfied with the explanation, they decided to conduct a disciplinary enquiry. After enquiry, the enquiry officer rendered his findings that charges were not proved. However, the disciplinary authority without accepting the findings issued 2nd show cause notice and thereafter, the delinquent submitted his explanation and thereafter, passed an order by awarding punishment of postponement of increment for three months without cumulative effect and suspension period was treated as leave period.

6.1. Challenging the said punishment, the respondent union raised an Industrial Dispute. However, the Labour Court, without considering the seriousness of the delinquency and that the delinquent also participated in the proceedings, allowed the Industrial Dispute and set aside the punishment awarded by the management. Therefore, the order passed by the Labour Court is liable to be set aside.



W.P.No.21857 of 2023

7. The learned counsel for the respondent would submit that the petitioner management issued a charge memo on baseless allegations and without any materials. Despite the petitioner submitting an explanation, it was not considered, and a domestic enquiry was conducted. The enquiry officer rendered his findings that no charges were proved against the delinquent.

7.1. However, the disciplinary authority without providing reasons for not accepting the enquiry report and without serving any notice, awarded punishment by postponing the increment for three months without cumulative effect and the period of suspension was treated as leave period. Consequently, the respondent union challenged the said order by raising the Industrial Dispute before the Labour Court, Chennai.

7.2. After hearing both sides and perusing the records, the Labour Court set aside the punishment awarded by the petitioner on the ground that without providing reasons for not accepting the enquiry report and without serving notice, the punishment was awarded. Therefore, the



W.P.No.21857 of 2023

order passed by the Labour Court is in order and the writ petition is liable

WEB COPY to be dismissed.

8. This Court heard both sides and perused the records.

9. In this case, there is no dispute in respect of the relationship between the parties. According to the writ petitioner, the respondent was charged with misconduct through a charge memo; thereafter a domestic enquiry was conducted; as per findings of the disciplinary authority charges were not proved, however the delinquent was awarded with punishment viz, postponement of the increment for three months without cumulative effect. According to the respondent, the enquiry officer rendered his findings that no charges were proved against the delinquent, inspite of that the disciplinary authority, without providing reasons for not accepting the enquiry report and without serving a show cause notice for awarding punishment, passed an order. Therefore, it is against law.

10. It is an admitted fact that as per the findings of the enquiry officer, no charges were proved against the delinquent. However, the



W.P.No.21857 of 2023

management awarded punishment without providing reasons for not accepting the enquiry report and even without serving notice to the delinquent.

11. At this juncture, it is relevant to refer the judgement of the Supreme Court in Punjab National Bank Vs.Kunjbehari Misshra reported in 1998 (2) CTC 742 (SC): 1999(7) SCC 739, which held as follows:

“ The result of the aforesaid discussion would be that the principles of natural justice have to be read into Regulation 7(2). As a result thereof whenever the disciplinary authority disagrees with the enquiry authority on any article of charge then before it records its own findings on such charge, it must record its tentative reasons for such disagreement and give to the delinquent officer an opportunity to represent before it records its findings. The report of the enquiry officer containing its findings will have to be conveyed and the delinquent officer will have an opportunity to persuade the disciplinary authority to accept the favourable conclusion of the inquiry officer. The principles of natural justice, as we have already observed, require the authority, which has to take a final decision and can impose a penalty, to give an opportunity to the officer charged of misconduct to file a representation before the disciplinary authority records its findings on the charges framed against the officer.”

12. A careful perusal of the above referred to judgment make it clear that whenever the disciplinary authority disagrees with the enquiry



W.P.No.21857 of 2023

authority on any article of charge then before it records its own findings

on such charge, it must record its tentative reasons for such disagreement and give to the delinquent officer an opportunity to represent before it records its findings. The report of the enquiry officer containing its findings will have to be conveyed and the delinquent officer will have an opportunity to persuade the disciplinary authority to accept the favourable conclusion of the inquiry officer. Whereas, in the case on hand, the disciplinary authority without assigning any reasons for the disagreement and without giving opportunity to the delinquent straightaway awarded punishment. Therefore, it is against law.

13. In this context the Labour Court, relying on the judgement of the Hon'ble Supreme Court in Punjab National Bank Vs.Kunjbehari Misshra, correctly applied the law and passed a reasoned order by setting aside the punishment awarded by the petitioner management and the same does not warrant interference.

14. In view of the aforesaid discussions, this Court is of the opinion that this writ petition has no merits and deserves to be dismissed.



W.P.No.21857 of 2023

Accordingly, this Writ petition is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

29.07.2025

Index : Yes/No
Neutral citation : Yes/No
mpa

To

1. The II Additional Labour Court, Chennai.
2. The General Secretary
Arasu Pokkuvarathu Oozhiyar Sangam,
Regn.No.73/MDS,
2, Pallavan Salai, Kalaiaranga Valagam, Chennai.



WEB COPY



W.P.No.21857 of 2023

P.DHANABAL,J.

mpa

W.P. No.21857 of 2023
and W.M.P.No.21184 of 2023

29.07.2025