



W.P.No.22996 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.22996 of 2019

and

W.M.P.No.22652 of 2019

The Management,
Tamil Nadu State Transport Corporation (Salem) Limited,
Dharmapuri Region,
Salem Road,
Bharathi Puram,
Dharmapuri – 5. ... Petitioner

Vs.

General Secretary,
Salem Mandalam Anaithu Paniaralgal Sangam,
Registration No.944/SLM,
44-A, Mariamman Kovil Street,
Balaji Avenue,
Asthampatti, Salem – 7. ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the order dated 19.02.2018 passed by the Labour Court, Salem in I.D.No.115 of 2015 and to quash the same.

For Petitioner : Mr.M.Aswin

For Respondents : Mr.K.V.Shanmuganathan



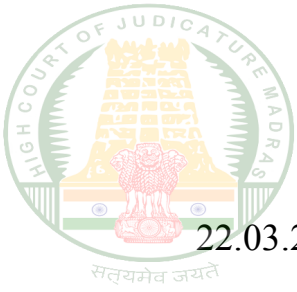
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ORDER

WEB COPY Aggrieved by the award dated 19.02.2018 passed by the Labour Court, Salem in I.D.No.115 of 2015, the petitioner corporation has filed the present writ petition.

2. The case of the petitioner is that the member of the respondent sangam, namely M.Durairaj joined the service as a daily wage conductor with the petitioner corporation. He has committed various misconducts, for which, disciplinary proceedings were initiated and based on the enquiry report of the enquiry officer, he has been awarded with five punishments. Aggrieved by the same, the respondent union raised an industrial dispute in I.D.No.115 of 2015 before the labour court and the labour court did not interfere with the four punishments mentioned in reference Nos.1 to 4, however allowed the reference No.5 vide impugned order dated 19.02.2018. Challenging the same, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner submitted that in reference No.5, the respondent union prayed to set aside the punishment of stoppage of increment for eight years with cumulative effect for the misconduct of unauthorized absence of the workman from 11.02.2010 to



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22.03.2010 and the same was allowed by the labour court on the simple

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ground that no document was produced by the petitioner corporation with regard to the fairness of the enquiry, which is wholly unsustainable. Further, in the standing orders, the maximum punishment was not fixed and the discretionary power available to the petitioner corporation to impose such punishment to the workman. Without considering the same, the labour court has interfered with, which is not sustainable. Accordingly, he prays for allowing the writ petition.

4. Per contra, learned counsel appearing for the respondent submitted that the petitioner corporation did not place any material before labour court with regard to power available to the disciplinary authority for imposing such punishment on the workman and no standing order was produced before the labour court with regard to jurisdiction of the disciplinary authority. Apart from that, no records was produced with regard to the fairness of the enquiry conducted as against the workman. For all those reasons, the punishment imposed by the petitioner corporation was set aside by the labour court, which does not require any interference. Accordingly, he prays for dismissal of the writ petition.



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5. Heard the learned counsel appearing for the parties and also

perused the materials available on record.

6. Admittedly, the workman was working as a conductor in the petitioner corporation and he has committed various misconducts, for which, the petitioner corporation had initiated disciplinary proceedings against him and five punishments were imposed on him, against which, the respondent sangam raised an industrial dispute before the labour court and the labour court has granted the prayer sought for in reference No.5 while rejecting the prayer sought for in reference Nos.1 to 4, assailing which, the present writ petition has been filed.

7. It is seen that the workman had unauthorizedly absented himself from duty from 11.02.2010 to 22.03.2010, thereby the petitioner corporation after conducting departmental enquiry, had imposed a punishment of stoppage of increment for eight years, which was set aside by the labour court on the ground that the petitioner corporation has failed to produce the enquiry proceedings and any evidence to show that it has powers to impose such a punishment on the workman, which is *per se* sustainable. However, considering the misconduct of unauthorized



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absence committed by the workman from 11.02.2010 to 22.03.2010, this

WEB COURT is inclined to dispose of this writ petition in the following terms :-

(i) there shall be a punishment of stoppage of increment for one (1) year without cumulative effect to the workman ;

8. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

02.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

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M.DHANDAPANI, J.

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