



W.A.No.2587 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.2587 of 2025 and CMP.No.20654 of 2025

The General Manager,
State Express Transport Corporation
Tamil Nadu) Ltd.
No.2, Pallavan Salai,
Chennai-600 002

... Appellant

Vs.

State Express Transport Ooliyar Sangam,
Regd. No.MDS/1068
State Express Transport Corporation,
Salem-636 007
Through:Branch Manager

... Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to
set aside the order passed in W.P.No.16296 of 2019 dated 02.04.2025.

For Appellant : Mr.T.Chandrasekaran

For Respondents : Mr.K.ELANGO



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JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the order passed in W.P.No.16296 of 2019 dated 02.04.2025.

2. On the strength of certain proven charges of unauthorised absence for the period between 10.11.2008 to 06.04.2009, the Management had proposed to impose the punishment of dismissal from service. However, after the workman had given his further representation, the proposition was modified, and he was placed in the entry-level pay scale, through order dated 07.09.2021.

3. When the workman had challenged the said punishment order through the respondent Trade Union in I.D.No.140 of 2013 before the Labour Court, Salem, the Labour Court set aside the punishment and directed the Management to reinstate the appellant with all service and monetary benefits. This award of the Labour Court was challenged before the learned Single Judge in W.P.No.16296 of 2019.



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4.The Writ Court had found that the workman had made an application for medical leave only on 08.01.2009, and prior to that date, no such application had been made. With such a finding, it had come to the conclusion that since a portion of the unauthorised absence stood covered by the medical leave application, the punishment imposed by the Management was found to be disproportionate and accordingly, had modified the punishment to stoppage of increment for two years, without cumulative effect. This order in the Writ Petition is put under challenge before us.

5.The learned Standing Counsel for the appellant / Transport Corporation submitted that the workman was unauthorisedly absent from 10.11.2008 to 06.04.2009, and even thereafter, he failed to report for duty until the issuance of the charge memo. According to him, the number of days of unauthorised absence being inordinate, the Management had rightly imposed the punishment, which ought not to have been interfered by the Writ Court.



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6.Per contra, the learned counsel appearing for the respondent /

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Trade Union submitted that the finding of the Writ Court regarding the medical leave application dated 08.01.2009 had been ignored by the Management during the enquiry proceedings. According to him, since a leave application was made on 08.01.2009, the entire period cannot be treated as unauthorised and therefore, there is no infirmity in the finding of the Writ Court and that the punishment was disproportionate.

7. While framing of charges, the Management had treated the entire period between 10.11.2008 to 06.04.2009 as unauthorised absence. However, there was some evidence available during the course of enquiry, as well as before the Labour Court and the Writ Court showing that a medical leave application had been submitted on 08.01.2009. Thus, the period subsequent to 08.01.2009 cannot be construed as unauthorised absence. However, it is not in dispute that no such leave application was made prior to 08.01.2009, which by itself may construe the misconduct of unauthorised absence for a lesser number of days.

8.Taking into account the limited number of days involved in the period of unauthorised absence, the punishment imposed by the appellant



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may be disproportionate. This aspect has been rightly appreciated by the learned Single Judge, who consequently modified the punishment to stoppage of increment of two years, without cumulative effect. Insofar as the leave period of unauthorised absence between 10.11.2008 to 06.04.2009 is concerned, it would be appropriate to regulate the same as loss of pay.

9. In the light of the aforesaid discussions, we do not find any reason to interfere with the order passed in the Writ Petition.

10. Accordingly, this Writ Appeal stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V., J]

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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and
R.SAKTHIVEL, J.

Anu

To

State Express Transport Ooliyar Sangam,
Regd. No.MDS/1068
State Express Transport Corporation,
Salem-636 007

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