



W.P.Nos.31261, 31262, 31264, 31266, 31269, 31271, 31274 & 31277 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

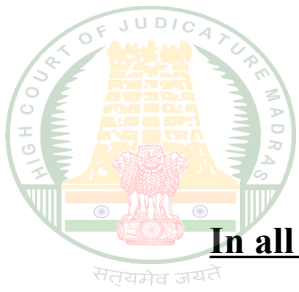
W.P.Nos.31261, 31262, 31264, 31266, 31269, 31271, 31274 & 31277 of
2023
and
WMP.Nos.30876, 30878, 30881, 30884, 30885, 30886, 30887 & 30890 of
2023

The Management of
Tamil Nadu State Transport Corporation (Coimbatore Limited),
No.37, Mettupalayam Road,
Coimbatore – 641 043. ...Petitioner in all W.P's.

Vs.

The State General Secretary,
Tamil Nadu Labour Industrial Association,
Regn.No.503/ERD,
No.45, Brindavan, Thillai Nagar,
Gobichettipalayam, Erode District – 638 452. ...Respondent in all W.P's.

Common Prayer: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the Award made in I.D.Nos.28, 26, 58, 29, 30, 32, 31 & 61 of 2019 respectively all dated 01.03.2023 on the file of the Principal Labour Court, Coimbatore and quash the same.



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In all W.P's.:

WEB COPY For Petitioner : Mr.T.Chandrasekaran

For Respondent : Mr.K.M.Ramesh, Senior Counsel
for M/s.V.Subramani

COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. These Writ petitions have been filed seeking quashment of the awards of the Principal Labour Court, Coimbatore dated 01.03.2023 made in I.D.Nos.28, 26, 58, 29, 30, 32, 31 & 61 of 2019 respectively.

3. It is the case of the petitioner corporation that one D.N.Rajendran, member of the respondent union (Secretary at the relevant point of time) was working as Conductor in the petitioner corporation. Whiles, for commission of certain misconducts such as disobeying the orders of the superiors, insubordination, misappropriation of petitioner corporation fund, unauthorised absence, irregular in discharging his duties etc., the petitioner corporation, after conducting domestic enquiries at the relevant point of

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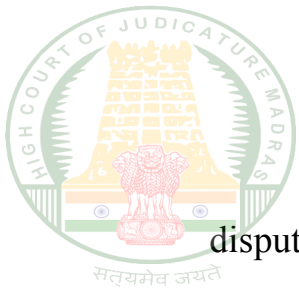


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time, imposed various punishments such as stoppage of increment for a period of 6 months with cumulative effect, postponement of increment for 3 months without cumulative effect and 6 months with cumulative effect, etc., against the said workman. Aggrieved by the same, the respondent union raised industrial disputes under Section 2(K) of the Industrial Disputes Act in I.D.Nos.28, 26, 58, 29, 30, 32, 31 & 61 of 2019 before the Principal Labour Court, Coimbatore on behalf of the said D.N.Rajendran. The Labour Court, vide its awards all dated 01.03.2023, set aside the orders of punishment imposed on the said workman. Challenging the same, the petitioner corporation has come up with these Writ petitions.

4. Learned counsel for the petitioner management submitted that for the various misconducts committed by the said D.N.Rajendran, the petitioner corporation, after conducting appropriate enquiries by following due process of law, imposed various punishments on the said workman, which are minor in nature. Whiles, after a lapse of several years, the respondent union raised the present disputes, that too after the workman having reached the age of superannuation, challenging the said punishments and the Labour Court, even without considering the delay in raising the

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disputes, which has not been properly explained, entertained the same and set aside the orders of punishments imposed on the workman, vide impugned awards and awarded interest on the said payments which is grossly perverse and unsustainable and the said disputes have to be necessarily dismissed on the ground of laches. Accordingly, he prayed for appropriate orders.

5. Per contra, the learned counsel appearing on behalf of the respondent submitted that the said Rajendran was the office bearer of the respondent union and was raising voice against the discrimination shown to the employees of the petitioner corporation and aggrieved by the same and in order to victimise the said workman, the petitioner management on false grounds imposed the punishments on the workman and the Labour Court, after careful consideration of the said facts and also on careful perusal of the material documents placed on record, passed the present impugned awards, setting aside the orders of punishment imposed by the petitioner corporation, which cannot be said to be erroneous. Learned counsel further submitted that, limitation is applicable only to the disputes raised u/s 2(A)(2) and not for the disputes raised under Section 2K of the ID Act and

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the present disputes raised by the union on behalf of the said Rajendran being raised u/s. 2K of the ID Act, the ground of limitation cannot be put against the respondent. Accordingly, he prayed for dismissal of these Writ petitions.

6. Heard learned counsel on either side and perused the materials available on record.

7. There is no quarrel with regard to the facts in the present case. The disputes have been raised with regard to the punishments imposed, after the superannuation of the workman, that too at the behest of the Union. It is true that there is no period of limitation for raising a dispute, but when a dispute is raised after a considerable delay, duty is cast on the Union to spell out the reason for the said delay. Merely stating that the petitioner was against the Union activities of the respondent cannot be the basis for this Court to hold that the said reason is acceptable. If such a ground is allowed, then it would set a wrong precedent as all members of the Union would kept silent till their superannuation and raise disputes after decades, when the other party to the *lis* would not be in a position to establish its case on account of

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passage of long length of time. Therefore, as a matter of prudence, so long as the reason for the delay is not spelt out, even if there is no limitation prescribed, the Court, under Article 226 of the Constitution has to limit stretching its arms too further, as it would otherwise set a wrong ratio, thereby, putting the employers in peril. The workmen or for that matter, the Union cannot pick and choose their time without stating reasons merely on account of the fact that there is no limitation prescribed for filing such application.

8. When the workman has not taken up the issue at the earliest point of time and agitated the same, moreso, the punishments imposed on the workman being very minor in nature, which in no way affects his retiral benefits, the court below ought not have interfered with the same, so long as the same has not been claimed to be perverse, arbitrary and highly disproportionate. By no stretch, the said punishment could be termed to be highly disproportionate and in the absence of any specific claim of violation of principles of natural justice having been established, the ratio laid down by the Apex Court in the case of ***Prem Nath Bali – Vs - High Court of Delhi (2015 (16) SCC 415)***, squarely stands attracted to the present case,

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wherein the Supreme Court held as under :-

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“20. It is a settled principle of law that once the charges leveled against the delinquent employee are proved then it is for the appointing authority to decide as to what punishment should be imposed on the delinquent employee as per the Rules. The appointing authority, keeping in view the nature and gravity of the charges, findings of the inquiry officer, entire service record of the delinquent employee and all relevant factors relating to the delinquent, exercised its discretion and then imposed the punishment as provided in the Rules.

21. Once such discretion is exercised by the appointing authority in inflicting the punishment (whether minor or major) then the courts are slow to interfere in the quantum of punishment and only in rare and appropriate case substitutes the punishment. Such power is exercised when the court finds that the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges thereby shocking the conscience of the court or when it is found to be in contravention of the Rules. The Court may, in such cases, remit the case to the appointing authority for imposing any other punishment as against what was originally awarded to the delinquent employee by the appointing authority as per the Rules or may substitute the punishment by itself instead of remitting to the appointing authority.”

(Emphasis Supplied)



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9. In view of the fact that the dispute has been raised after a long

lapse of time, that too by the Union at the behest of the workman, who has since attained superannuation on 30.04.2019 and no reason has been given for the delay in raising the dispute after a long lapse of infliction of punishment, the court below ought not to have interfered with the punishment and the present awards passed by the court below allowing the dispute in favour of the workman is perverse, arbitrary and unreasonable and, therefore, the same deserves to be set aside.

10. With the above observations and directions, these Writ petitions stand allowed and the impugned awards of the Principal Labour Court, Coimbatore all dated 01.03.2023 made in I.D.Nos.28, 26, 58, 29, 30, 32, 31 & 61 of 2019 respectively are set aside. No costs. Consequently, the connected Miscellaneous petitions are closed.

24.04.2025

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

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 2. The Principal Labour Court,
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