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W.P. No.31261 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.31261 of 2022

The Management,
Managara Pokkuvarathu Kazhagam,
Pallavan Illam,
Anna Salai,
Chennai - 600 002. .. Petitioner

vs.

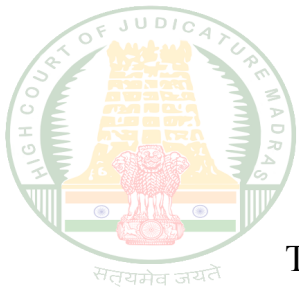
The General Secretary,
State Transport Employees Union,
Regn. No.73/MTS - Joint - C.I.T.U.,
2, Pallavan Salai,
Kalaiyaranga Valagam,
Chennai-600 002. .. Respondent

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records pertaining to O.P. No.174 of 2019 on the file of the Principal Labour Court and quash the order dated 16.03.2022.

For Petitioner : Mr. A. Vinothraj

For Respondent : Mr.S.T. Varadarajulu

ORDER



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This Writ petition has been filed by the petitioner to quash the order passed by the Principal Labour Court, Chennai in O.P. No.174 of 2019 dated 16.03.2022.

2. The short facts necessary to dispose the Writ petition are as follows:-

The Member of the respondent Union namely Stephen was working as a Driver under the petitioner Management. While so, on 22.09.2012, when the driver Stephen was driving the bus from T.Nagar to Keezhkattalai, hit against a pedestrian and caused an accident. An FIR in Cr. No.485 of 2012 was also registered against the bus driver. Therefore for the said misconduct, a Charge Memo dated 03.04.2017 was issued on the bus driver and he also submitted his explanation. Being not satisfactory with the explanation offered by him, the petitioner Management imposed a punishment of withholding of increment for a period of one year. Thereafter, the said punishment was challenged by the respondent union before the Labour Court and the Labour Court allowed the petition and set aside the order of punishment passed by the petitioner Management. The Labour Court allowed the petition on the ground that no enquiry was conducted and no procedures followed as referred in the Standing Order No.27. Now, the Management has challenged the said order through



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this Writ petition.

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3. The learned counsel appearing for the Writ petitioner would submit that while the driver of the bus, namely Stephen, was driving the bus from T.Nagar to Keezhakattalai, caused an accident to a pedestrian. Thereby, an FIR has been registered against him. Therefore, a Charge Memo was issued on him for the above said misconduct and the driver of the bus submitted his explanation. Since the explanation was not satisfactory, the petitioner Management imposed a punishment of withholding of increment for a period of one year. Since, the punishment is only a minor punishment, without conducting the enquiry, the punishment was imposed. The Labour Court, without considering the same, erroneously allowed the petition filed by the respondent Union and set aside the punishment on the ground that no enquiry was conducted. The above said order passed by the Labour Court is erroneous and is liable to be set aside.

4. The learned counsel appearing for the respondent Union would submit that the petitioner Management, without conducting an enquiry, awarded punishment of withholding of increment for a period of one year.



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Without following the principles of natural justice and without giving opportunity to the delinquent, the petitioner Management awarded the punishment. Aggrieved by the said order, the respondent Union raised an industrial dispute before the Labour Court. Even before the Labour Court, no evidence was adduced on the side of the petitioner Management. Therefore, the Labour Court has correctly allowed the petition and set aside the order passed by the petitioner Management. Therefore, the present Writ petition is liable to be dismissed.

5. Heard both sides and perused the entire materials available on record.

6. In this case, it is an admitted fact that no domestic enquiry was conducted by the petitioner Management. According to the Management, the driver of the bus, due to his negligent driving, caused an accident, thereby, he was issued a Charge Memo, for which, he offered his explanation, since the explanation of the driver was not satisfactory, the petitioner Management awarded a punishment of withholding of increment for one year, Since it is a minor punishment, no domestic enquiry is required. The Labour Court, without considering the same, set aside the order passed by the Management.



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According to the respondent, without following the principles of natural justice and without affording opportunity to the driver to defend his case, the petitioner Management straight away awarded punishment without conducting enquiry, which is against the principles of natural justice.

7. This Court also perused the materials. There is no doubt that an accident was occurred on 22.09.2012, when the driver of the bus Stephen drove the bus. Therefore, a Charge Memo was issued on the driver by the petitioner Management stating that he drove the bus in a rash and negligent manner and caused an accident. In order to prove the same, no enquiry was conducted. Only after examining the witnesses in the domestic enquiry, the allegation of 'misconduct' against the petitioner that he drove the bus in a negligent manner can be proved, but no such enquiry was conducted by the petitioner management and they straight away imposed a punishment of withholding of increment for one year. Before the Labour Court, the petitioner Management failed to adduce evidences in respect of the negligent driving of the bus driver, when the same is denied by the driver of the bus.

8. As per Standing Order No.27 (vi), "(a) When the charge has not been admitted, an enquiry shall be conducted before awarding punishments except



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in case of punishments like censure, fine etc., (b) No such enquiry will be necessary in cases involving minor punishments defined in Item (i) and (ii) of Standing Order No.26".

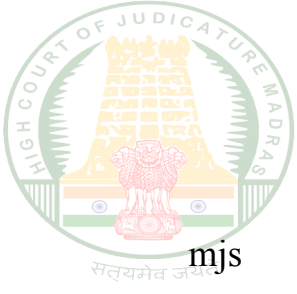
9. In the case on hand, when the charge is that the driver drove the bus in a negligent manner, without conducting the enquiry, the Management awarded a punishment of withholding of increment for a period of one year, which is against the principles of natural justice. Therefore, the Labour Court after elaborate discussions, has passed a reasoned order and the same does not warrant interference.

10. In view of the above discussions, this Court is of the opinion that this Writ petition has no merits and deserves to be dismissed.

11. Accordingly, this Writ petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

26.06.2025

Index : Yes/No
Speaking order/non-speaking order



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To

1. The Presiding Officer,
The Principal Labour Court,
Chennai.

2. The General Secretary,
State Transport Employees Union,
Regn. No.73/MTS - Joint - C.I.T.U.,
2, Pallavan Salai,
Kalaiyaranga Valagam,
Chennai-600 002.

P. DHANABAL, J.,

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