



W.P.No.34763 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.07.2025**

CORAM

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

W.P.No.34763 of 2022
and WMP.No.34181 of 2022

The Management,
Tamilnadu State Transport Corporation,
(Coimbatore Limited),
No.37, Mettupalayam Salai,
Coimbatore.

.... Petitioner

Vs

The Secretary,
Kovai Arasu Pokkuvarathu Ooliyar Sangam (CITU),
No.109, Park Street, Katoor, Coimbatore.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, to call for the records in I.D.No.114 of 2017 on the file of the Principal Labour Court, Coimbatore dated 26.03.2021 and quash the same.

For Petitioner : Mr.A.Sundaravadhanan

For Respondent :Ms.H.Nandhini

ORDER



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This Writ Petition has been filed to quash the order passed by the Principal Labour Court, Coimbatore in I.D.No.114 of 2017 dated 26.03.2021, wherein the respondent herein raised an Industrial Dispute before the Labour Court, Coimbatore and the same was allowed. Aggrieved by the said order, the present Writ Petition has been filed.

2. Before the Labour Court, the respondent union raised an Industrial Dispute stating that the member of the Union namely Saravanan was working as a conductor under the petitioner Management. On 20.07.2012, while the conductor was on duty on bus bearing No.TN38N2211 at about 8 pm, one passenger boarded the bus at the Puliyakulam bus stop, at that time, the said passenger showed his pass that he was a reporter for “Theekadhir” newspaper. The conductor quarreled with the passenger, and this argument ended in fight, after seeing all these the driver stopped the bus at the next bus stop and pacified them. Therefore, charges for misconduct under section 14(k)(ae) of the standing orders were framed against the conductor. Subsequently, a domestic enquiry was conducted and then the enquiry officer filed a report stating that charges were proved. The management then issued a show cause notice for the proposed punishment and subsequently the



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management awarded punishment of postponing the annual increment for 1 year with cumulative effect and treating the temporary suspension period of 13 days as leave. The said punishment was challenged before the Labour Court, by raising an Industrial Dispute. The Labour Court allowed the dispute and set aside the punishment awarded by the disciplinary authority. Aggrieved by the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the member of the respondent union namely saravanan was working as a conductor in the petitioner's corporation. On 20.07.2012, while on duty on the 7C bus route (bus bearing no.TN38N2211), he made quarrel with a passenger and also assaulted. Consequently, a charge memo was issued to him. He also offered an explanation, being not satisfied with the explanation, the disciplinary authority decided to conduct a domestic enquiry and accordingly, domestic enquiry was conducted. As per the findings of the enquiry officer, the charges leveled against the conductor were proved. Thereafter, a second show cause notice was issued and the punishment of postponing his annual increment for 1 year with cumulative effect was imposed. Aggrieved by the said order, the



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respondent union raised an industrial dispute before the Labour Court, Coimbatore in I.D.No.114 of 2017. Before the Labour Court, no oral or documentary evidence was adduced by the respondent/conductor, whereas the writ petitioner examined one witness and marked 12 documents. However, the Labour Court, without considering the aforesaid evidence, erroneously allowed the industrial dispute and set aside the punishment awarded by the Management. The Labour Court set aside the punishment of postponing the annual increment for 1 year with cumulative effect without considering the seriousness of the charge. Therefore, the order passed by the Labour Court is against law and the same is liable to be quashed.

4. The learned counsel for the respondent would submit that Saravanan, a member of the respondent union, was working under the writ petitioner's management. On 20.07.20212, while working as a conductor, the petitioner management issued a charge memo to him, alleging that he quarreled with and assaulted a passenger, after which the driver stopped the bus and pacified, therefore, it amounts to misbehavior. In fact no such occurrence was happened, the member of the respondent had already gave an explanation, but the Management without



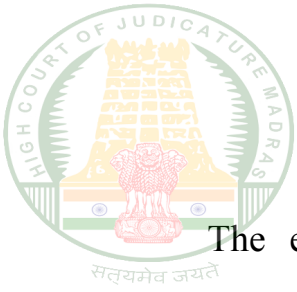
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considering the same, ordered for domestic enquiry. Even during the domestic enquiry, the petitioner management punished him without giving sufficient opportunity, thereby violated the principles of natural justice. Therefore, the respondent union raised an Industrial Dispute before the Principal Labour Court, Coimbatore. The Labour Court, considering the facts and circumstances of the case and after analyzing the documents of the petitioner side fairly came to the conclusion that the management has not proved the alleged misconduct by examining competent witnesses. Consequently, it set aside the punishment awarded. Therefore, the award passed by the Labour Court is in accordance with law and this writ petition is liable to be dismissed.

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

6. In this case, there is no dispute in respect of the relationship between the parties as employer and workman. The member of the respondent union namely saravanan was charged with alleged misconduct for quarreling and fighting with a passenger. A domestic enquiry was subsequently conducted, in which the delinquent employee participated.



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The enquiry officer rendered findings that the charges against the delinquent were proved and the disciplinary authority awarded punishment of postponing the annual increment for 1 year with cumulative effect and the same was challenged before the Labour Court.

7. Before the Labour Court, no oral or documentary evidences were adduced by the workman's side. On the side of management, they examined a witness and marked documents. The main charge is that he quarreled with and assaulted a passenger, and the same was denied by the workman. Therefore, it is the duty of the management to prove the alleged misbehavior. In order to prove the same, the management failed to examine either the passenger with whom he quarreled, other passengers or the bus driver. The witnesses examined on the side of the management is no way connected to the alleged incident. Consequently, there is no evidence to prove the charges leveled against the delinquent. In this context, the Labour Court has categorically discussed the evidence adduced by both parties and fairly came to a conclusion that the management failed to prove the incident of misbehavior, thereby rightly setting aside the punishment awarded by the disciplinary authority.



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8. The aforesaid order passed by the Labour Court is a well reasoned order. Therefore, this Court is of the opinion that there is no perversity or illegality, in the order passed by the Labour Court.

9. In view of the aforesaid discussions, this Court is of the opinion that this writ petition has no merits and deserves to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.07.2025

Index : Yes/No
Neutral citation : Yes/No
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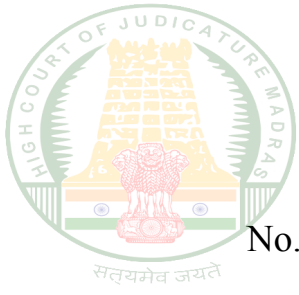
P.DHANABAL,J.

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To

1. The Principal Labour Court, Coimbatore.
2. The Secretary,
Kovai Arasu Pokkuvarathu Ooliyar Sangam (CITU),

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