



WP.(MD)No.9224 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

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and

WMP.(MD)No.6953 of 2021

The Management,
Tamil Nadu State Transport Corporation Tirunelveli Limited,
Ranithottam, Nagercoil,
Kanyakumari District.

... Petitioner

Vs.

1.General Secretary,
The State Transport Employees Union (CITU)-4KKM,
Ranithottam, Nagercoil,
Kanyakumari District.

2.P.Nelson

... Respondents

(R2 is impleaded vide order dated 26.04.2024 in WMP.(MD)No. 20520 of 2023 in WP.(MD)No.9224 of 2021)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the Labour Court, Tirunelveli dated 27.08.2019 passed in ID.No.68 of 2017 and quash the same.



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For Petitioner : Mr.R.Rajamohan

For R1 : No Appearance

For R2 : Mr.S.Rajasekar,
for M/s.Lajapathy Roy Associates

ORDER

The Management of the Transport Corporation has preferred this writ petition as against the award passed by the Labour Court, Tirunelveli in ID.No.68 of 2017 dated 27.08.2019.

2.The above said industrial dispute was raised by the first respondent/Trade Union as against the order of punishment imposed by the petitioner/Management as against the second respondent. The second respondent, who was a Conductor, while on duty in a bus, route No.579C, from Thoothukudi to Nagarcoil, has offboarded the bus in midway and therefore, the bus was stopped by the Driver at Tirunelveli. Before Tirunelveli, the vehicle was also inspected by the Checking



Inspectors and they have also recorded that the bus was plied without Conductor. The passengers, who have got ticket upto Thoothukudi, were engaged alternative bus upto Tirunelveli. Considering this conduct of the second respondent, the Management has initiated disciplinary proceedings by issuing charge memo dated 28.12.2008. After conducting enquiry, the enquiry officer has submitted a report with a recommendation of proposed punishment of stoppage of increment for a period of three years with cumulative effect. Based on the same, second show cause notice was issued to the second respondent and thereafter, an order of punishment was imposed by the Disciplinary Authority, on 05.07.2010 as stoppage of increment for a period of one year with cumulative effect. The first respondent / Trade Union has preferred an appeal as against the order of punishment before the appellate authority in the year 2017 and the same was dismissed. Thereafter, this industrial dispute was raised before the Labour Court, Tirunelveli in ID.No.68 of 2017. The Labour Court has allowed the industrial dispute that the medical certificate produced by the second respondent was not considered by the Disciplinary



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Authority while imposing the punishment and therefore, it would amount to violation of principles of natural justice and set aside the order of punishment. Aggrieved by the same, the petitioner / Management has preferred this writ petition.

3.The learned counsel appearing for the petitioner / Management submits that the second respondent was on duty in route No.579C, which was plying from Thoothukudi to Nagarcoil, there was an inspection at Veinthankulam by the Checking Inspector and they have found that the bus was plied without Conductor. The Driver of the bus has reported that the Conductor has offboarded the bus in the midway, at Muruganpuram. It was also not disputed by the second respondent during the disciplinary proceedings. He has suffered dysentery and therefore, he offboarded the running bus. He has produced out-patient receipt from the Thoothukudi Government as if he has taken treatment, on 28.12.2008 and the same was taken into account as a ground and the order of punishment was set aside by the Labour Court. He further submits that the second respondent, in such event, has not



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applied for leave and has not intimated his absence to the Management and he has allowed the bus to run without Conductor, which has resulted inconvenience to the passengers and also to the Driver. The bus, which was scheduled upto Nagarcoil, was forced to stop at Tirunelveli for want of Conductor and alternative bus was arranged to the passengers, which caused loss of reputation to the Management. Without considering all these facts, the Labour Court has simply relied on the out-patient sheet which has been relied by the second respondent that there was a reason for his absence during duty and has set aside the order of punishment. The absence of duty is an admitted one in this case and there is a dereliction of duty, for which, a linear punishment of stoppage of increment for a period of one year with cumulative effect was imposed on the second respondent. The learned counsel for the petitioner pointed out that apart from this delinquent, the second respondent has also involved in 16 other misconducts, for which, he has been imposed with punishment. Further, he submits that this order of punishment was imposed in the year 2010 and it was challenged only in the year 2017 and the same



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was mechanically entertained by the Labour Court, based on the out patient sheet relied on by the second respondent.

4.The learned counsel appearing for the second respondent submits that the second respondent has suffered from medical emergency of dysentery, for which, he has taken treatment in the Government Hospital, Thoothukudi. The out patient sheet issued by the Doctor was also placed before the enquiry officer and has also been marked as Ex.L.3 before the Labour Court. Therefore, the Labour Court has rightly considered the medical emergency, due to which the workman was not present during duty, has set aside the order of punishment. According to the learned counsel, the second respondent has also reported duty at Tirunelveli at about 12.45 pm., and the bus resumed at about 01.30 pm.

5.This Court has considered the submissions made on either side and perused the available materials on record.

6.The second respondent Conductor, who was on duty in



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route No.576C from Thoothukudi to Nagarcoil, was not present in the bus, when the Checking Inspectors caused inspection at Veinthankulam. The second respondent said to have offboarded the bus at Muruganpuram. The Driver of the bus, which was scheduled to Nagarcoil, was constrained to stop the bus at Tirunelveli for want of Conductor. The Driver of the bus has also informed the Management that the Conductor offboarded the bus at Muruganpuram. Admittedly, the second respondent, who was on duty, offboarded the bus without intimating the Management, which certainly would cause inconvenience not only to the Management but also to the passengers. The claim of the second respondent is that due to dysentery, he has offboarded the bus at Muruganpuram and has taken treatment at Government Hospital, Thoothukudi. In the event, the second respondent, who was on duty, ought to have informed the Management before leaving the duty and ought to have left the duty with permission or by making alternative arrangements. There is a dereliction of duty on the part of the second respondent, for which, linear punishment was imposed.



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WEB COPY 7. In view of the above discussion, the impugned order passed by the Labour Court, Tirunelveli in ID.No.68 of 2017 dated 27.08.2019 is hereby set aside. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet:Yes
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To
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The Labour Court, Tirunelveli



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B.PUGALENDHI,J

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