



W.P(MD)Nos.5679 & 5686 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.5679 & 5686 of 2021

The General Secretary,
Tamil Nadu State Transport Corporation Kamaraj
Nadar Trade Union,
Reg.No.537 K.K.M.,
181/1, St.Michael Building,
Mathias Nagar, Nagercoil – 629 001.
Kanyakumari District.

... Petitioner in
both WPs

Vs

The Management,
Tamilnadu State Transport Corporation,
(Tirunelveli Division) Ltd.,
Ranithottam , Nagercoil, Kanyakumari
District - 629001.

...Respondent in
both WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Certiorarified Mandamus, calling for the records on the file of the Hon'ble Labour Court, Tirunelveli pertaining to its award dated 29/01/2020,



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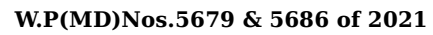
30.01.2020 in I.D.No.72/2017, 73/2017 and quash the same and consequently direct the respondent to disburse all the attendant and monetary benefits.

For Petitioners : Mr.Dennis Joe.M
For Respondent : Mr.R.Rajamohan
(In both writ petitions)

COMMON ORDER

The General Secretary of the Tamil Nadu State Transport Corporation Kamaraj Nadar Trade Union, Kanyakumari has preferred these writ petitions as against the award passed by the Labour Court, Tirunelveli in I.D.Nos.72 & 73 of 2017, dated 29.01.2020 and 30.01.2020.

2.The case of the petitioner in WP(MD) No. 5679 of 2021 is that a driver by name, Ayyappan, a member of the petitioner Union was unauthorisedly absent for more than 10 days from 06.11.2009, without any prior permission and without submitting any leave application. Therefore, the respondent Management has initiated disciplinary proceedings as against him by issuing a charge



3. The case of the petitioner in WP(MD) No.5686 of 2009, at the same driver, Ayyappan was unauthorisedly absent for a period of 10 days from 26.07.2009, without any prior intimation and without submitting any leave application. Therefore, the Management has initiated disciplinary proceedings against the petitioner, by issuing a charge memo in 5443/ legal-14/ order/ 2009, dated 18.02.2010. An enquiry was conducted and on completion of the enquiry, the workman has admitted the charges levelled against him.



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against him. Therefore, he was imposed with the punishment of stoppage of increment for a period of two years with cumulative effect. Challenging the same, the Union has raised an industrial dispute before the Labour Court, Tirunelveli and the same was dismissed by the Labour Court, by its order dated.30.01.2020. Aggrieved over the same, the Labour union has filed this writ petition.

4.Since the parties and the issue in both the writ petitions are one and the same, these writ petitions are taken up together and disposed of by this common order.

5.The learned counsel appearing for the petitioner Union submits that the workman was suffering from jaundice and therefore he failed to attend the duty during the relevant period. He has also produced a certificate issued by a Siddha Medicine Practitioner, by whom, he was treated. However, without considering the same, the respondent has imposed the punishment on the workman and the



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Labour Court has also rejected the request of the workman.

6.The learned Standing Counsel appearing for the respondent Transport Corporation submits that the employee was unauthorisedly absent for a period of 10 days from 26.07.2009 and also from 06.11.2009. Therefore, charge memos were issued as against him on 18.02.2010. During the enquiry, he has admitted the charges and assured that he will not repeat the same. As the workman himself admitted the charges and also taking into consideration of his previous records, the Management has imposed the punishment of stoppage of increment with cumulative effect, by its order, dated 29.07.2011 and 02.02.2011. He further submits that the workman has raised the Industrial Dispute after the lapse of 5 ½ years from the date of order of punishment. Therefore, there is no necessity to interfere with the order of punishment imposed on him.

7.This Court considered the rival submissions made and also perused the materials placed on record.



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8. Admittedly, the workman was absent unauthorisedly for a period of 10 days in the month of July and November 2009, for which, charge memos were issued and on proved charges on his confession, the punishment of stoppage of increment with cumulating effect was imposed in the year 2011. The petitioner has also produced a Medical Certificate issued by one St. Michael Siddha Varma Vaithiyasalai. The Doctor, who has issued the Certificate claims that he is a registered hereditary Siddha Medicine Practitioner. This Court is not satisfied with the Medical Certificate. It is to be noted that the industrial dispute in I.D.Nos.72 and 73 were raised only in the year 2017 after 5 ½ years. Therefore, this Court does not find any error/infirmity in the order passed by the Labour Court, Tirunelveli. However, this Court is of the view that the punishment imposed on the workman is not proportionate to the mistake committed by him.



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9. In view of the above, the punishment imposed on the workman is modified as that of stoppage of increment for three years and two years respectively, without cumulative effect. Accordingly, these writ petitions are partly allowed. No costs.

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Index:Yes
Internet:Yes
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To

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