



W.P(MD)No.5859 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.5859 of 2025
and
W.M.P(MD)No.4258 of 2025

1.The General Manager,
Tamil Nadu State Transport Corporation,
Nagercoil Region,
Ranithottam,
Nagercoil,
Tirunelveli Division,
Kanyakumari District-629 001.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Division,
KTC Nagar,
Tirunelveli District-627 011.

... Petitioners

Vs.

The General Secretary,
Tamil Nadu State Transport Corporation,
Kamaraj Nadar Thozhilalar Sangam,
St. Michel Building,
Nagercoil.
(Ramesh Driver (EDP.No.9090)

... Respondent



W.P(MD)No.5859 of 2025

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order, dated 03.09.2024 in I.D.No.33 of 2020 on the file of the Labour Court, Tirunelveli and set aside the above order and pass such further or other orders as this Court.

For Petitioners : Mr.D.Jebaraj
For Respondent : Mr.M.Dennis Joe

ORDER

The present writ petition has been filed by the Management of the Transport Corporation challenging the award of the Labour Court, Tirunelveli in I.D.No.33 of 2020.

2. One Mr.S.Ramesh, who was working as a Driver in the petitioner Transport Corporation was issued with a charge memo on 10.07.2015 alleging that he, along with 10 other persons entered into the depot unauthorisedly, threatened the staff and pasted posters. The workman has submitted an explanation on 18.01.2016 contending that he was not at all involved in the said incident. On the other hand, he was on duty during the said period. Not being satisfied with the explanation, an enquiry officer was appointed and he arrived at a finding that the charges as against the workman stood proved. The



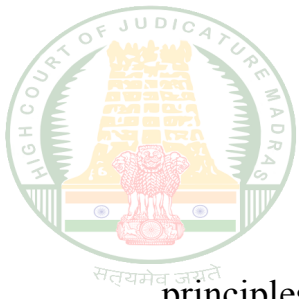
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Management has chosen to impose a punishment of stoppage of increment for a period of one year with cumulative effect. On appeal, the Appellate Authority has modified the punishment as that of postponement of increment for a period of six months with cumulative effect. Challenging the said punishment, the Union had approached the Labour Court by raising an industrial dispute.

3. The Labour Court after considering the oral and documentary evidence especially the basic report and the evidence on the side of the Management, has arrived at a specific finding that the domestic enquiry has not been conducted in a fair manner. He also arrived at a finding that the charges as against the workman have not been proved and set aside the punishment imposed by the Management. Challenging the said award, the present writ petition has been filed.

4. According to the learned Standing Counsel appearing for the petitioner Management, the petitioner herein along with 10 other persons had unauthorisedly entered into the bus depot and has pasted the posters. He has also threatened the staff who was on security duty. He further pointed out that the enquiry has been conducted in a fair manner, after strictly following the



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principles of natural justice. During the domestic enquiry, the Management witnesses have clearly pointed out that the involvement of workman, namely, Ramesh and therefore, the Labour Court ought not to have set aside the punishment imposed by the Management.

5. Per contra, the learned Counsel appearing for the respondent herein had contended that the name of the petitioner is not mentioned in the basic report which is marked as Exhibit M.1. He further pointed out that when the Labour Court has arrived at a finding that the enquiry has not been conducted in a fair manner, the Management ought to have let in oral evidence before the Labour Court to establish the charges as against the petitioner. When the Labour Court has arrived at a specific finding that the charges have not been proved by the Management, the award of the Labour Court may be sustained.

6. Heard both sides and perused the materials available on record.

7. A charge memo has been issued to the petitioner on 10.07.2015. A perusal of the charge memo reveals that the workman is said to have unauthorisedly entered into the bus depot, threatened the security staff and



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pasted posters. However, a perusal of Exhibit M.1 basic report which is submitted by the security staff, reveals that the name of the workman is not mentioned therein. That apart, the security staff has specifically reported that there was no untoward incident took place and nobody picked up quarrel with him. In such circumstances, the very basis of the charge memo is doubtful.

8. The Labour Court in paragraph No.26 has arrived at a specific finding that the enquiry has not been conducted in a fair manner. Even thereafter, the Management has not chosen to examine any witness to establish that such an incident has taken place on 05.07.2015. In such circumstances, the Labour Court has rightly arrived at a finding that the Management is not proved the charges. Therefore, there are no merits in the present writ petition. Hence, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

19.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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R.VIJAYAKUMAR, J.

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