



WP.(MD)No.6565 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.10.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

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and

WMP.(MD)No.5085 of 2022

The Management
Tamil Nadu State Transport Corporation (Tirunelveli)Limited,
Tirunelveli Region, Tirunelveli.

... Petitioner

Vs.

General Secretary,
Nellai Chidambaranar Kumari district State Transport Employees
Union, Reg.No.468/Thili, 4c,
Imperial Compound (Upstairs),
Peratchi Ammankovil Road,
Tirunelveli-627 003.

... Respondents

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 28.09.2020 passed in I.D.No.48/2019 and quash the same.



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For Petitioner : Mr.R.Rajamohan

For Respondent : Mr.K.Guhan

ORDER

The Management of the Transport Corporation has filed this writ petition as against the award passed by the Labour Court, Tirunelveli in ID.No.48 of 2019 dated 28.09.2020.

2.The above industrial dispute has been filed by the respondent/Trade Union under Section 2(k) of the Industrial Dispute Act as against the order of punishment imposed on the Driver, who was imposed with punishment of stoppage of increment for a period of one year with cumulative effect for unauthorized absence from 28.10.2010. The Transport Corporation has conducted the disciplinary proceedings and imposed this punishment. However, the Labour Court set aside the order of punishment imposed by the Management. Therefore, the Management has preferred this writ petition.



3.The learned counsel appearing for the petitioner/Management submits that admittedly the Driver was unauthorizedly absent from 28.10.2010 to 04.11.2010 and he claim that he was arrested pursuant to a criminal case and therefore, he failed to report duty. In view of his sudden absence, the Management has suffered heavy loss and they found very difficult in making alternative arrangements, on account of that, the Management has suffered so many difficulties and lost reputation from the Public. Therefore, the order of punishment imposed as against the workman is proper. However, without considering the nature of offence and evidence adduced before the Labour Court, the Labour Court has erroneously allowed the industrial dispute, on the ground that the Management has failed to examine the Branch Manager, to whom the workman has informed leave orally through phone.

4.The learned counsel appearing for the respondent/Trade Union submits that the workman, namely, Pandaram, was



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arrested pursuant to a criminal case, on 28.10.2010 and immediately he informed about the arrest to the Branch Manager over phone. The Transport Corporation has failed to examine the Branch Manager and verify with regard to the information provided by the workman. Therefore, the Labour Court has rightly allowed the industrial dispute.

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

6.Admittedly, the member of the respondent/Trade Union, one Pandaram, who was working as Driver, was absent from 28.10.2010 to 04.11.2010. The respondent/Trade Union claimed that the workman was arrested on 28.10.2010 and he was released on bail only on 04.11.2010 and immediately he reported to the duty on 05.11.2010. The criminal case, which was registered for property dispute, is also ended in acquittal. The workman claimed that he has informed about his arrest to the Branch



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Manager. However, that was not even verified by the Management from the concerned Branch Manager. At the same time, it is the duty of the workman to substantiate his case by examining the Branch Manager before the Labour Court. However, considering the reasons for the unauthorized absence that he was arrested pursuant to the property dispute, the impugned order setting aside the punishment order cannot be found fault with. However, the period of unauthorized absence from 28.10.2010 to 04.11.2010 may be treated as leave on loss of pay. Accordingly, this writ petition is partly-allowed. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

The Labour Court, Tirunelveli



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