

W.P.(MD)No.273 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.273 of 2019

and

W.M.P.(MD)No.206 of 2019

The Management,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Virudhunagar Region,
Madurai Road, Virudhunagar.

...Petitioner

-Vs-

V.Sankararaj

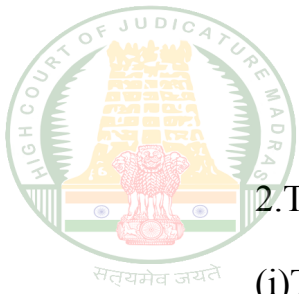
...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the award dated 13.08.2018 in I.D.No.109 of 2015 on the file of the Labour Court, Madurai quash the same.

For Petitioner : Mr.S.Raja
For R1 : No Appearance

ORDER

This writ petition was filed challenging the impugned order passed by the Labour Court, Madurai dated 13.08.2018 in I.D.No.109 of 2015.



2.The facts, which led to the filing of this writ petition are as follows:

(i)The respondent was appointed as a Driver in the petitioner Corporation and while he was driving the bus, he dashed against a women, who succumbed to the injuries in the hospital. Hence, the respondent was issued with the charge memo and he participated in the enquiry. Initially, a show cause notice was issued on 07.03.2013 proposing to impose the punishment of six months increment cut without cumulative effect. Later, on the ground that the said punishment was much lenient in respect of a fatal accident, the first show cause notice was cancelled and a second show cause notice was issued on 08.04.2013 proposing to impose the punishment of three years increment cut and the said punishment was confirmed. The respondent challenging the order of punishment, had approached the Labour Court, Madurai. The Labour Court, had set aside the punishment of three year increment cut and imposed the punishment of six months increment cut without cumulative effect.

3.The learned counsel for the petitioner submits that the Labour Court without considering the gravity of misconduct committed by the respondent, had set aside the punishment imposed by the petitioner Corporation. Initially, the petitioner Corporation issued a show cause on 07.03.2013 proposing to impose the punishment of six months increment cut. Subsequently, the petitioner Corporation, after obtaining legal opinion, had cancelled the first



show cause notice and issued another show cause notice dated 08.04.2013 proposing to impose the punishment of three years increment cut without cumulative effect. The Labour Court without considering this aspect, has passed the impugned order. Hence, this petition.

4.Though notice has been served on the respondent, none appeared either in person or through counsel on his behalf.

5.Heard the submissions made by the learned counsel for the petitioner and perused the materials placed on record.

6.The only contention raised by the petitioner is that based on the legal opinion obtained by the petitioner Corporation, the first show cause notice, marked as Ex.M-13 dated 07.03.2013, proposing to impose the penalty for six months increment cut, was cancelled and the second show case notice was issued under Ex.M.15, dated 08.04.2013, increasing the punishment for three years increment cut.

7.What is important while imposing penalty is the application of mind and it should not be based on legal opinion. The penalty shall be imposed only based on the available material evidence. In the present case, it appears that in a



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mechanical manner, without assigning any reason, only by citing the legal opinion, the authorities have intended to revise the punishment, which is nothing but a clear violation of law. Such kind of punishments cannot be countenanced. Considering these aspects only, the Labour Court had rightly set aside the three years increment cut imposed by the petitioner Corporation and reduced it to six months increment cut, which, in the opinion of this Court, requires no interference.

8. Accordingly, this Court does not find any fault in the decision making process of the labour Court. Hence, the order of the Labour Court stands confirmed and this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.01.2025

Index:yes/no
Internet:yes/no
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To

Labour Court, Madurai



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KRISHNAN RAMASAMY, J.

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