



W.P.(MD) No.21672 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.21672 of 2018

and

W.M.P.(MD) No.19582 of 2018

The Management
Tamil Nadu State Transport
Corporation (Madurai Division)
Limited
Bye Pass Road, Madurai-10

... Petitioner

-vs-

P.Balasubramanian Driver DRO 4878
rep.by his General Secretary
State Tamil Nadu State Transport Corporation
Registration No.157/MDU
V.P.Chinthan Ninaivagam
V.O.C.2nd Street
Arul Nagar Bypass Road
Madurai-16

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the Labour Court, Madurai, in the proceedings in I.D.No.97 of 2014, dated 15.06.2017, quash the same.



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For Petitioner : Mr.J.Senthil Kumariah

For Respondent : Mr.S.Arunachalam

ORDER

This matter was heard by this Court on the earlier occasion on 11.03.2025 at length and observed that the learned Labour Court, having arrived at a conclusion that the domestic enquiry proceedings were conducted by affording reasonable opportunity to the respondent, duly examining the witnesses and affording an opportunity of cross-examination of the witnesses to the respondent and concluded that the domestic enquiry was conducted in a fair and reasonable manner, but interfered with the punishment of stoppage of increment for two years with cumulative effect imposed on the respondent and modified the same as stoppage of increment for six months without cumulative effect on the ground that the punishment imposed on the respondent is excessive.



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2. This Court, having taken note of the same as well as the gravity of the charge, felt that the learned Labour Court failed to exercise its discretion in a proper manner and thereby, reduced the punishment abnormally and thought that in case if the punishment of stoppage of one increment with cumulative effect is inflicted on the respondent, that would meet the ends of justice. Accordingly, a suggestion was made to either side and the matter was adjourned to today to enable the learned counsel on either side to get instructions.

3. Today, when the matter is taken up for consideration, learned counsel on either side submitted that both parties are agreeable for modifying the punishment of stoppage of increment for six months without cumulative effect to that of “stoppage of an annual increment for one year with cumulative effect”.

4. In the light of the above, this writ petition is disposed of with the consent of both sides, by duly modifying the punishment imposed on the respondent under the impugned award to that of “stoppage of annual increment for a period of one year with cumulative effect”. The impugned award passed by the learned Labour Court shall stand modified to that effect.



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5. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

13.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:
The Presiding Officer,
Labour Court,
Madurai.



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MUMMINENI SUDHEER KUMAR, J.

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