



W.P.(MD)No.26955 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.26955 of 2024
and W.M.P.(MD)No.22832 of 2024

The Management,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam.

... Petitioner

Vs.

The Secretary,
Tamil Nadu State Transport Corporation
Workers Union (CITU),
Kumbakonam.
(Panchanathan)

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records on the file of the Labour Court, Kumbakonam pertaining to the order passed in I.D.No.111 of 2018 dated 29.12.2023 and to quash the same as illegal.



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For Petitioner : Mr.S.C.Herold Singh

For Respondent : No Appearance

ORDER

This Writ Petition has been filed aggrieved by the impugned award dated 29.12.2023 passed in I.D.No.111 of 2018 by the learned Labour Court, Kumbakonam, whereby the punishment of stoppage of increment for a period of six months without cumulative effect was set aside by the learned Labour Court at the instance of the respondent herein.

2. The punishment that was imposed on the workman viz., Panchanathan was by virtue of an order passed as early as on 26.11.2007. It is aggrieved by the said order, the said Panchanathan for the first time raised a dispute on 15.10.2014 and thereafter, the matter went before the learned Labour Court in I.D.No.111 of 2018. The learned Labour Court refused to interfere with the



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punishment as the said dispute was not raised by the Union and it is only by the individual, which is contrary to law, by an award dated 23.01.2019. However, the said award was challenged by one Tamil Nadu Arasu Pookuvarathu Oozhiyar Sangam along with Mr.Panchanathan and this Court by an order dated 14.07.2022, remanded the matter back to the learned Labour Court and accordingly, the learned Labour Court re-examined the matter and disposed of by passing the impugned award dated 29.12.2023.

3. Though notice is served on the respondent as early as on 22.11.2024, no appearance is entered on behalf of the respondent and this Court is left with no other option except to dispose of the matter based upon a material available on record.

4. From the materials available on record, it is evident that the punishment that was imposed on the workman was on 26.11.2007 and the said punishment is a minor punishment of stoppage of increment for a period of six months for the alleged absence of a workmen for 16 days without any prior intimation, who was



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working as a Driver in the petitioner Corporation. The said punishment, imposed as early as on 26.11.2007, was interfered with by the learned Labour Court under the impugned award. As seen from the impugned award, it is the specific stand of the Petitioner Corporation that no records pertaining to the punishment in question were available with the petitioner Corporation due to long lapse of time. In spite of such a specific stand taken by the petitioner Corporation, the learned Labour Court failed to examine the aspect of delay in approaching the learned Labour Court by raising an industrial dispute.

5. As seen from the records, the workman for the first time has raised the dispute for the punishment that was imposed on 26.11.2007 only on 15.10.2014 ie., after lapse of 7 years and finally this dispute was raised by filing an Industrial Dispute only in the year 2018. Thus, in all, there is 11 years of delay in raising a dispute on the punishment that was imposed on 26.11.2007. Absolutely, there is no justification for the workman to approach the learned Labour Court at such a belated stage nor there is any reason assigned by the workman for raising a dispute at such a belated stage. When the stand of the



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petitioner Corporation is so specific that no records were available because of lapse of time, the learned Labour Court, in all probabilities, ought to have examined the aspect of delay and laches on the part of the workman before entering into the merits of the case. But in the instant case, the learned Labour Court absolutely failed to examine the said aspect, but simply rejected the stand of the petitioner Corporation on the ground of delay and laches by stating that the workman has been agitating the issue as it is evident from Ex.W2. Ex.W2 is dated 15.10.2014, which is after a lapse of 7 years since the date of imposition of the punishment on the workman in question. Absolutely, there is no reason assigned either by the workman or by the learned Labour Court for such a delay of 7 years in raising an issue on the punishment.

6. Considering all these facts, this Court is of the considered view that the learned Labour Court erroneously exercised its jurisdiction in a matter which suffer from the vice of delay and laches and interfered with the punishment imposed by the petitioner Corporation. Further it is also necessary to notice that the punishment that was imposed on the workman is only stoppage of increment



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of six months without cumulative effect, which is minor and trivial in nature. In such view of the matter, the learned Labour Court ought not to have interfered with the punishment imposed by the petitioner Corporation as early as on 26.11.2007 on the ground of failure to conduct an enquiry and failure to produce the records. In the light of the above, the impugned order cannot be sustained and the same is accordingly quashed.

7. This Writ Petition is allowed accordingly. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

19.02.2025

Neutral Citation: Yes / No
Index : Yes / No

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