

W.P(MD)No.3621 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3621 of 2017
and
W.M.P(MD)No.2918 of 2017

The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Region,
Vannarapettai,
Tirunelveli.

... Petitioner

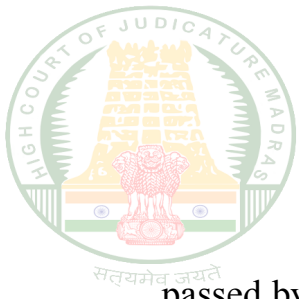
Vs.

1.The Presiding Officer,
Labour Court,
Tirunelveli.

2.The General Secretary,
Nellai Chidambaranar
Kanyakumari District State Transport
Employees Union Reg.No.468/
Til, 4C, Imperial Compound,
1st floor, Peratchiamman Kovil Road,
Vannarapettai,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records from the first respondent Labour Court, Tirunelveli relating to the impugned award



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passed by its in I.D.No.39 of 2015, dated 21.12.2015 and quash the same and to grant such further or other orders as this Court.

For Petitioner : Mr.K.Sathiya Singh

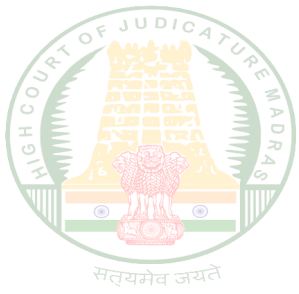
R-1 : Labour Court

For R-2 : Mr.K.Guhan

ORDER

The Management of the Tamil Nadu State Transport Corporation, Tirunelveli Region has filed the present writ petition challenging the award passed by the Labour Court, Tirunelveli in I.D.No.39 of 2015, wherein, the punishment imposed by the Management postponement of increment for a period of two years with cumulative effect has been set aside.

2. One Mr.Ganapathy, who was employed as a Driver in the respondent Transport Corporation was issued with a charge memo on 05.04.2005 for being involved in a fatal accident. He had not submitted his explanation. A domestic enquiry was conducted and the workman was imposed with a punishment of postponement of increment for a period of two years. Challenging the same, the workman had filed I.D.No.39 of 2015 before the Labour Court, Tirunelveli.

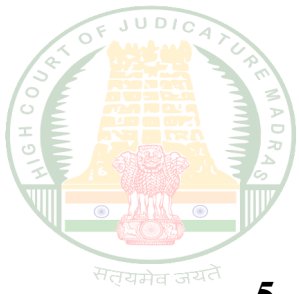


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3. The Labour Court found that the enquiry has not been conducted in a fair manner and proceeded to pass a preliminary award in favour of the workman. Thereafter, the Management has not chosen to let in any oral evidence whatsoever before the Labour Court to establishment the delinquency of the workman. The Labour Court has proceeded to arrive at a finding that the delinquency as against the workman has not been established and has set aside the order of punishment. Challenging the same, the present writ petition has been filed.

4. A perusal of the records reveal that the workman was issued with a charge memo on 05.04.2005, for which, he has sent a reply seeking a copy of the basic report. However, a copy of the basic report was not furnished to the workman. A second show cause notice was issued to the workman on 17.10.2005. Along with the second show cause notice, a copy of the enquiry report was also not furnished. Therefore, the Labour Court has rightly arrived at a finding that the enquiry has not been conducted in a fair manner.



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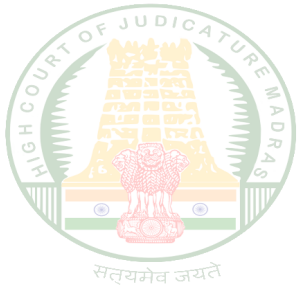
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5. A perusal of the records further reveal that, the Management has not let in any fresh evidence before the Labour Court to establish that the accident has taken place only due to the negligence on the part of the workman. In fact, the Management has filed a counter under Exhibit W.9 before the Motor Accident Claims Tribunal to the effect that, there was no negligence on the part of the driver. In such circumstances, unless the Management establishes the negligence on the part of the driver by letting in independent evidence before the Labour Court, the Labour Court cannot be found fault with for setting aside the order of punishment.

6. In view of the above said deliberations, there is no ground to interfere in the award of the Labour Court. The writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

07.07.2025

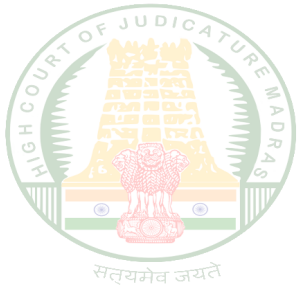
NCC : Yes / No
Index : Yes / No
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R.VIJAYAKUMAR, J.

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