



W.P.(MD)No.9044 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.06.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.9044 of 2016
and WMP(MD).No.7194 of 2016

The Management
Tamil Nadu State Transport Corporation
Virudhunagar Region
Madurai Road, Virudhunagar

... Petitioner

Vs

1.The Presiding Officer
Labour Court
District Court Buildings, Madurai

2.General Secretary
State Transport Workers
Union (CITU), V.P.Cinthan Ninaivagam
6/662, Lakshmi Nagar
Madurai Road, Virudhunagar 626 001

.....Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records of the 1st respondent in the proceedings in I.D.No.2 of 2014 dated 31.07.2015 quash the same.

For Petitioner : M/s.J.Senthil Kumaraiah

For Respondents : Mr.S.Arunachalam for R2
Labour Court – R1



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ORDER

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The Management of the Tamil Nadu State Transport Corporation has filed the present writ petition challenging the award passed by the Labour Court, Madurai in I.D.No.2 of 2014 wherein the Labour Court was pleased to modify the punishment of the Conductor working in the petitioner Corporation.

2.The Conductor who was working in the petitioner Corporation was issued with a charge memo on the allegation that he had committed misappropriation of Rs.40/- by not issuing tickets to two passengers after receiving the said amount. In the domestic enquiry, the charges were held to be proved and the workman was imposed with a punishment of postponement of increment for one year with cumulative effect. Challenging the said punishment order, the Conductor had raised an industrial dispute in I.D.No.2 of 2014 before the Labour Court, Madurai.

3.The Labour Court had arrived at a preliminary finding that the domestic enquiry has been conducted in a fair manner after following the principles of natural justice. While considering the charges as against the Conductor, the Labour Court has arrived at a specific finding that the Management had failed to establish the fact that the Conductor had committed misappropriation of Rs.40/-. However, the Labour Court had arrived a finding that the workmen has not functioned as per the required responsibility for a conductor and there was



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negligence on his part.

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4. Based upon the above said findings, the Labour Court has proceeded to modify the punishment of one year increment cut with cumulative effect as one year increment cut without cumulative effect. Challenging this modification of punishment, the present writ petition has been filed by the Management of the Transport Corporation.

5. According to the learned Standing Counsel appearing for the petitioner Management, the allegation as against the workman has been established and the charges have been proved beyond doubt. The Labour Court ought not to have interfered in the quantum of punishment imposed by the Management. For the purpose of misappropriation, only a minor punishment of postponement of increment for a period of one year with cumulative effect has been imposed. In such circumstances, the Labour Court ought not to have interfered in the quantum of punishment.

6. Per contra, the learned counsel appearing for the Workman submits that the Labour Court has arrived at a specific finding that the charges are not proved by the Management that there was only negligence on the part of the workman. In such circumstances, the Labour Court has rightly modified the punishment.

7. Heard both sides and perused the material records.



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8.A perusal of the findings of the Labour Court reveals that in Paragraph No.14, the Labour Court has arrived at a specific finding that the charges of misappropriation as against the workman have not been proved. The Labour Court has also arrived at a specific finding that there was some negligence on the part of the workman. In such circumstances, the order of the Labour Court modifying the punishment from postponement of increment for one year with cumulative effect to postponement of increment for a period of one year without cumulative effect, cannot be found fault with.

9.In view of the above said deliberations, there are no merits in the writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
msa

To
The Presiding Officer
Labour Court
District Court Buildings, Madurai



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R.VIJAYAKUMAR, J.

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