



WEB COPY

W.P.No.34505 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34505 of 2024

and

W.M.P.No.37405 of 2024

The Management,
Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
37, Mettupalayam Road,
Coimbatore- 641 037.

Petitioner

Vs

The General Secretary,
Tamil Nadu Transport Uniform Labour Union,
Reg. No.1440,
610/200, Peryanayaganpalayam,
SRKV Post, Coimbatore- 641 020.

Respondent

PRAYER

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records in I.D.No.47 of 2021 on the file of the Additional Labour Court, Coimbatore, dated 23. 11.2023 and quash the same.

For Petitioner

Mr.A.Vinothraj

For Respondent:

Notice served, No appearance

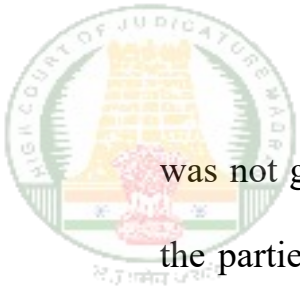


ORDER

This writ petition is filed challenging the award of the Additional Labour Court, Coimbatore, dated 23.11.2023 made in I.D.No.47 of 2021. By the said award, the claim of the respondent/workman seeking the grant of the third review benefit from the date on which, it was originally due, was allowed and the petitioner-management was directed to grant him the said benefit with effect from 01.08.2018.

2.The case of the workman is that, as per 12 (3) settlement and the Rules of the Corporation in respect of the employees, who do not have any promotional opportunities, review benefits placing the employee on the next level in the scale of pay, is being granted. As per the same, the benefits are to be given upon the completion of service period of 6 + 7 + 7 + 7 + 5 years. When the third review benefit was due to the petitioner on 01.08.2018, the same was not granted. Therefore, on behalf of the workman, a dispute was raised and it was referred under Section 2 (k) of the Industrial Disputes Act, 1947 for adjudication by the Labour Court.

3. Before the Labour Court the claim was resisted by the management on the ground that on 01.08.2018, the disciplinary proceedings were pending against the workman which ultimately resulted in the punishment of increment cut, which was in force up to 31.07.2023 and therefore, the third review benefit



was not given to the workman. The Labour Court after considering the case of the parties held that the denial of benefit on its own amounts to a violation of principles of natural justice and therefore, held that the action of the management was illegal and allowed the claim petition.

4. The learned counsel appearing on behalf of the petitioner would submit that the issue is no longer *res integra* and has already been considered by this Court in W.P.No.2358 of 2019 etc. batch [*The Management, Tamil Nadu State Transport Corporation Coimbatore Ltd., Coimbatore v. Nethaji Transport Corporation Pathugappu Thozhircangam rep.by its General Secretary Mr.M.Amburaj on behalf of its Member Mr.S.Ganesh and another*], wherein this Court had, in detail, considered the review benefit and its nature. It was found that the action of the management would not be violative the principles of natural justice, as it was akin to grant of promotion.

5. Even though the workman has been served with notice, he chose not to appear before this Court.

6. I have considered the submissions made on behalf of the petitioner corporation and perused the material records of the case.

7. There is no difficulty with reference to the factual position that, as on



the date, on which the third benefit fell due, that is, as on 01.08.2018, disciplinary proceedings were pending against the workman, which ultimately resulted in an order of punishment of increment cut and the punishment was in currency up to 31.07.2023. In that regard, I had considered the nature of the review benefit and that it arises from the prescription of the rules and thereafter, being modified under the 12(3) settlement and is akin to promotion and therefore, unless the employee is entitled to the same, he will not be considered and no show cause notice need be issued with reference to the non consideration.

8. In view thereof, this Writ Petition is liable to be allowed. Accordingly, this Writ Petition is allowed on the following terms:

(i)The award of the Labour Court made in I.D.No. 47 of 2021 dated 23.11.2023 shall be set aside.

(ii)It will be open for the management to consider for the grant of the next benefits, as and when the Workman becomes eligible, that is, on conclusion of the disciplinary proceedings or on the end of the currency of punishment provided, there is no other impediment. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

27-01-2026

Neutral Citation:No



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To

The General Secretary
Tamil Nadu Transport Uniform Labour
Union, Reg. No.1440,
610 / 200, Peryanayaganpalayam,
SRKV Post, Coimbatore- 641020.



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D.BHARATHA CHAKRAVARTHY, J.

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