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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.(MD)No.10351 of 2026
and
W.M.P(MD)No. 8142 of 2026

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

.. Petitioner

- Vs. -

General Secretary,
Nellai, Chidambaranar Kumari District
State Transport Employees Union,
Registration No.468/tvl,
4c, Imperial Compound (Upstairs),
Peratchiamman Koil Road,
Vannarpettai,
Tirunelveli-3
for K.Kanagaraj,
Conductor, EDP No.10681.

.. Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India,
praying this court to issue a Writ of Certiorari to call for the records
pertaining to the impugned award passed by the Labour Court, Tirunelveli
in O.P.I.D.No.10 of 2022 dated 11.07.2024 and quash the same.

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For Petitioner

: Mr.S.Micheal Heldon Kumar

ORDER

The petitioner challenges the order dated 11.07.2024 passed by the Labour Court, Tirunelveli, in O.P.I.D.No.10 of 2022.

2. At the instance of the respondent Union, an industrial dispute was raised by the Department of Labour and Employment under Section 2(k) and 10(1)(c) of the Industrial Disputes Act, 1947, challenging the order passed by the petitioner by which one K.Kanakaraj, conductor of the bus belonging to the petitioner Corporation was imposed with punishment of stoppage of increment for a period of two years with cumulative effect.

3. The conductor was issued with a charge memo alleging that from November 11, 2017, he failed to attend the work voluntarily without any permission or obtaining any leave from the competent authority, thereby, violating the Rules as per Standing Order 16(6).

4. The respondent Union submitted an explanation denying the charges. However, the explanation offered having not been found



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satisfactory, necessitated the petitioner to conduct a domestic enquiry. In the domestic enquiry, the Union cross-examined the management witness and he categorically admitted that the conductor was present and was willing to work on his assigned Route 444-B, but he was prevented to work. Despite the categorical admission of the management witness, a report was submitted recording that the charges with the petitioner was proved and the second show cause notice was issued for which the Union submitted an explanation. However, the further explanation submitted by the Union was rejected and an order of punishment was imposed on the conductor.

5. Heard the learned counsel for the petitioner.

6. The conductor was assigned the Route No.444-B. On 11.11.2017, the conductor had worked for more than 20 years on his assigned route 444-B. However, the officer concerned redirected the conductor to work on a city bus and was denied to assign work on Route 444-B. The Labour Court recorded that under Section 5 of the Certified Standing Orders of the petitioner Corporation, if the worker is to be transferred from one route to another, one month prior notice must be given citing valid reasons.



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7. In the instant case, no such notice was given to the conductor remarking the conductor was absent for the period from November 11, 2017 to June 11, 2018, during which he was denied permission to work in the assigned Route is contrary to the said Standing Orders and arbitrary and discriminatory.

8. The Labour Court categorically held that the conductor was refused employment on his assigned work and was terminated from attending duties for the said period and instead was illegally directed to work on different route. Therefore, the said period cannot be treated as unauthorised absence. The findings written by the Labour Court is based on appreciation of evidence on record and the said findings cannot be said to be no evidence or arbitrary or perverse. Therefore, in exercise of power under Article 226 of the Constitution of India, the findings written by the Labour Court does not warrant any interest.

9. Accordingly, this Writ Petition is dismissed.



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10. There shall be no orders as to costs. Consequently, connected miscellaneous petition is closed.

15.04.2026

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

PJL

To

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HEMANT CHANDANGOUDAR, J.

PJL

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