

**In the Court of Labour Court, Kancheepuram**

**Present: Tmt.S.Sujatha, M.A., M.L.,  
Presiding Officer, Labour Court,  
Kancheepuram.**

Wednesday, the 20<sup>th</sup> day of May 2026

**I.D.No.126/2019**

**CNR No.TNKP18-000365-2019**

( In the matter of the Industrial dispute for adjudication under section 10(1)(c) & Section 10(1)(d) of the Industrial Disputes Act, 1947, between TamilNadu State Transport Corporation & others and Nethaji Transport Workers Union)

The State President,  
Nethaji Transport Workers Union,  
Reg.No.3553/CNI,  
No.478 , Thangasalai,  
Siva Complex,  
Chennai - 600 079.

--- Petitioner / Workman union

//vs//

1. The Management,  
TamilNadu State Transport Corporation,  
(Villupuram) Limited,  
Villupuram Kottam,  
Villupuram - 609 602.

2. The Management,  
TamilNadu State Transport Corporation,  
(Villupuram) Limited,  
Kancheepuram Zone,  
Headquarters of Kancheepuram,  
National Highway,  
Kancheepuram 631 552.

--- Respondents/ Management

This Industrial Dispute came up on 08.05.2026 for final hearing before this court in the presence of M/s.M.Rajkumar and Algappan Authorized representatives for Petitioner and M/s.T.Sathiyamoorthy Advocate for respondents and upon perusal of records and hearing the both side arguments and having stood over for consideration till this day, this court delivered the following

### **AWARD**

1. This Industrial dispute arises over the reference made by the Labour and Employment (2A) Department by the G.O.(D) No.475 dated 31.07.2018

The claimant union had raised an Industrial dispute u/s. 2(k) of ID Ac before Conciliation Officer, Irungattukottai. As respondent/management had not come forward to attend the conciliation, failure report had been issued on 16.08.2017 in ந.க.எண்.ஆ/332/2017, this reference had been made to this court vide G.O.(D) No.475 dated 31.07.2018 by Labour and Employment (A2) department. The said reference is reproduced as follows

**இணைப்பு**

**எழுவினா**

திரு.C.சுரேஷ், ஓட்டுநருக்கு (பணி எண்.43381) நிர்வாகத்தால்

வழங்கப்பட்ட

இறுதி

உத்தரவு

குறிப்பாணை

எண்.104/59/1059/ச5/த.அ.போ.க(வி).கா.ம./2014, நாள் 26.08.2014-ஐ ரத்து செய்து

அவருக்கு ஏற்படுத்தப்பட்ட இழுப்பீடான பணி மற்றும் பணப்பலன்களை தொடர்ச்சியாக அளிக்குமாறு கோரும் தொழிற்சங்கத்தின் கோரிக்கை நியாயமானது தானா? ஆம் எனில் உரிய உத்தரவு பிறப்பிக்க.

2. On receipt of this reference, the present dispute had been taken on file and notice were issued to both parties for their appearance. The claimant union had filed their claim statement and respondent had filed their written statement.

**3. The contents in the claim statement filed by the claimant union is as follows :-**

This reference is in furtherance of the G.O.(D) No.475 by Government of Tamil Nadu to adjudicate whether the demand of petitioner Trade Union to cancel and set aside the order dated 26.08.2014 by respondent/management imposing punishment on one Tr.C.Suresh Driver with Employee No.43381 under respondent/management is justified and to adjudicate whether he is entitled for monetary benefits in case of cancellation of said order is justified or not?

Driver C.Suresh joined service of respondent/management as permanent employee with Employee No.43381. On 29.01.2009 he was diligent in his work. He was served with charge sheet on 10.09.2014 and suspension order on 19.02.2014.

As against the charges levelled against said Suresh charges ought to have

been framed as per standing order and Domestic enquiry ought to have been conducted accordingly. Neither show cause notice issued nor domestic enquiry conducted, show cause notice proposing punishment was also not issued. Yearly increment was postponed for three months and period of suspension from 19.02.2014 to 03.03.2014 was treated as punishment. As the result, said Suresh has faced wage loss as well as promotion loss. Juniors to Suresh are benefited with promotion and consequential monetary benefits. Suresh is refused with periodical promotion.

Before issuance of order dated 26.08.2014, no show cause notice was issued to said C.Suresh. For the charges against Suresh explanation were given vide letter dated 27.07.2014. Suresh is an innocent. Due to the action of respondent/management Suresh is facing unemployment and wage loss.

Respondent/management is not having any legal right to punish Driver C.Suresh without conducting Domestic enquiry. The said order of punishment dated 26.08.2014 in proceedings No.104/29/1059/சு5/த.அ.பொ.க(வ).க.ம.2014 நாள்.26.08.2014 by respondent/management is against Principles of Natural Justice and amounts to double jeopardy and against law. Hence it is prayed to set aside the said order and C.Suresh to be granted with all service and monetary benefits with 18% winterest p.a. with continuous effect and to pass appropriate orders.

**4. The averments in the Counter Statement filed by R2 adopted by**

**R1 is as follows:**

All those allegations except those that are herein after admitted are denied as false.

The claim is even at the threshold not maintainable hence to be dismissed.

Respondent/management comes under public utility service. Daily nearly 2 crore people are travelling and thereby benefited. Transport facility is a dedicative job. By operating the buses in a protective and promptly manner, the public travelling by bus are benefited and respondent/management can gain reputation and huge income by which respondent/management will be developed and workmen will be benefited.

Petitioner who is engaged in essential commodities, though has come on earlier day night, on receiving the information from controller, in time in the morning wantonly, belatedly, stated will operate only short distance route, ignoring the directions of controller.

In this regard complaint has been given by controller depot security, Zonal Manager, and thereby petitioner was temporarily suspended. It there is obstruction in operation of buses, public will not be able to reach their destination in time. Petitioner been cause for loss of income to respondent/management.

On 06.02.2014 petitioner was directed to operate bus in route No.188/19/19

by time keeper/controller. Petitioner wantonly refused to operate the said route bus and demanded short distance route bus and delayed the operation of the bus. Because of the same respondent/management has faced loss to a tune of Rs.12,000/- and charge sheet was issued under proceedings No 104/59/1059/சு5த.அ.பொ.க(வி).கா.ம./2014, dated 19.02.2014. After recommending due enquiry, as a lesser punishment, yearly increment was postponed for a period of three months and his period of suspension was treated as a kind of punishment and final order was issued.

When many files for punishment its respect of petitioner are pending, the punishment imposed is only less. Petitioner has not approached for any conciliation before conciliation office prior to raising this dispute by filing claim statement hence this dispute is not maintainable. Award to be passed in a favour of 2nd respondent. Further more failure report has been issued by Assistant Commissioner of Labour (Conciliation) Irungattukottai vide letter No. ந.க.ஆ.எண்.ஆ/332/2017 நாள் 16.08.2017 against the petition filed by petitioner, hence the claim of the petitioner Trade Union to be dismissed.

5. On the side of Petitioner Trade Union, the workman involved in this dispute namely Suresh had been examined in chief as WW1 and has marked Ex.W1 to W9. On the side of the respondent/management MW1 had been examined in chief and Ex.M1 to M10 are marked.

6. Both WW1 and MW1 had not subjected themselves for cross examination. As this dispute is based on reference u/s.2(k) of ID Act, with available oral and documentary evidence, this reference is answered.

7. The reference is to answer whether the final proceedings vide order in 104/59/1059/ந5/த.அ.பே.க.(வி).கா.ம/2014, நாள்26.08.2014, issued to C.Suresh Driver Employee No.43381 by respondent/management to be set aside and all monetary benefits he is entitled to, on cancellation of said order, to be paid to said Suresh or not?

8. Based on Ex.W1=M4 Driver C.Suresh had been temporarily suspended from service on 19.02.2014. On the same day (ie) 19.02.2014 said Suresh (Driver) had been issued charge sheet under Ex.W2=Ex.m6.

In Ex.W2=M6 charge sheet it is alleged as follows:

1. நீர் 06.02.2014 அன்று 188டி/பி தடத்தில் பணி செய்ய கட்டுபாட்டாளர் கூறியதற்கு குறுநடை இயக்க அனுமதி தந்தால் மட்டுமே பணி செய்ய முடியும் எனக்கூறிக்கொண்டு காலத்தை வேண்டுமென்றே தாழ்த்தி அலட்சியத்துடன் பணி செய்ய மறுத்துள்ளீர்.

2. உமது செயலால் பொதுமக்கள் மத்தியில் அவப்பெயரும் கழக வருவாய் இழப்பும் ஏற்படக் காரணமாயுள்ளீர்.

3. அன்றைய தினம் உம்மால் இத்தடத்தை இயக்க முடியாத சூழ்நிலை ஏற்பட்டதால் கழகத்திற்கு சுமார் ரூ.12,000/- வரை வருவாய் இழப்பு ஏற்பட காரணமாயுள்ளீர்.

9. Form perusal of above exhibits it comes to know that said C.Suresh had refused to operate a bus on 06.02.2014 he being a spare bus operator. Regarding the said incident complaint has been given by கட்டுப்பாட்டாளர் on 10.02.2014. The said complaint is marked as Ex.M1.

10. Perusal of Ex.M1 shows that office note submission has been made on 10.02.2014. In the said document, the said complaint is addressed to whom? by whom is not found place. Only signature of one person dated 10.02.2014 is found place. What is the designation of the person is not stated. In the second page of Ex.M1 it is stated as சமர்ப்பிக்கப்படுகிறது. Who has made that submission, when it has been made is not found place in Ex.M1. In the said page, transfer of C.Suresh to Madurantagam Depot is recommended.

11. In the third page of Ex.M1, it is stated as சமர்ப்பிக்கப்படுகிறது. The said submission is made by controller (கட்டுப்பாட்டாளர்) by D.Duraisamy on 10.02.2014 (correction in date) . From Ex.M1 it comes to know that regarding the alleged incident that is said to have occurred on 06.02.2014, complaint is given only on 10.02.2014.

12. Ex.M2 is filed to show that regarding refusal by C.Suresh to operate the bus as directed by controller Duraisamy a complaint had been given by one பாதுகாவலர் namely G.Natarajan on 06.02.2014 to Branch Manager, Kalpakkam. On receipt of the said complaint on 06.02.2014, what was the action taken by the Branch Manager is not known to this court. Further there is no endorsement in Ex.M2 to show that the said complaint had been received by

the Branch Manager. When controller Duraisamy has given his submission only on 10.02.2014, Ex.M2 பாதுகாவலர் நடராஜன் has given complaint even on 06.02.2014 is doubtful. The genuineness of Ex.M2 is not proved by respondent/management.

13. Ex.M3 is filed to show that it is secret note (ரகசிய குறிப்பு) by Regional Manager Chengalpattu. Regional Manager has addressed this secret note regarding the conduct of C.Suresh to whom is not explained or established by respondent/management. Further on which date the said secret note had been prepared by Regional Manager and sent to whom is also not clarified by respondent/management.

14. Based on the complaint dated 10.02.2014. C.Suresh had been temporarily suspended from service on 19.02.2014 only under Ex.M4=Ex.W1. Petitioner had also addressed a letter on 25.02.2014 under Ex.W3 to reconsider his suspension order and to revoke the same. Subsequently on 04.03.2014 Suspension order issued to said C.Suresh had been revoked under Ex.M5.

15. After issuance of charge sheet to petitioner under Ex.M6, show cause notice has been issued to petitioner under Ex.M7 on 16.07.2014 seeking explanation. For the same petitioner on 24.07.2014 under Ex.M8=Ex.W7 has submitted his explanation, not satisfied with the explanation, the respondent/management has passed the final proceedings on 26.08.2014 under Ex.M9, Ex.W8 which is under challenge in this dispute under Ex.W9 reference.

16. The respondent/management has filed Ex.M10 to show the antecedent of said C.Suresh from 2010 onwards. In the said Ex.M10 19 misconducts are reflected against the said C.Suresh. To prove those misconducts, no reliable or concrete proof is produced on the side of the respondent/management. Apart from that MW1 had not subjected himself to cross examination to prove its genuineness and authentication. Hence from Ex.M10 it cannot be concluded that C.Suresh had blemished records, or antecedents.

17. C.Suresh to prove his stand had applied for certain information under Ex.W4 on 05.03.2014 under Right to Information Act C.Suresh or Petitioner Trade Union had not come forward to establish what they want to prove by producing Ex.W4. C.Suresh has not come forward to subject himself for cross examination. For the information sought by C.Suresh under Ex.W4 details had been furnished under Ex.W6. The main allegation against C.Suresh is that on 06.02.2014 he had refused to operate the Route bus in 188/T/B thereby has caused inconvenience to public at large and loss to respondent/management to a tune of Rs.12,000/-.

The respondent/management has not produced any proof to show that they have faced loss to a tune of Rs.12,000/- on 06.03.2014 due to the act of the said C.Suresh.

18. Further for the charges levelled against the said C.Suresh respondent/management ought to have conducted a fair and proper domestic

enquiry. After issuing show cause notice and receiving reply from the said C.Suresh respondent/management have straight away issued a final proceedings thereby postponing annual increments for three months and treated the period of suspension as punishment.

19. Generally employer has to hold a fair and proper domestic enquiry, by giving the workman a reasonable opportunity to defend against specific charges.

On failure to conduct fair domestic enquiry, employer can justify their action during trial before Labour Court or Tribunal.

In the present case, respondent/management has not conducted any domestic enquiry for the charges levelled against C.Suresh Driver.

But they ought to have atleast proved the charges before this court.

20. Respondent/management has not taken any steps to examine the complaintants (ie)கட்டுப்பாட்டாளர், C.Duraisamy or பாதுகாவலர் நடராஜன் who are alleged to have given complaint against said C.Suresh.

Respondent/management has not produced any evidence or witnesses to prove the misconduct alleged against C.Suresh.

21. Generally domestic enquiry is not mandatory in case of loss of confidence, admission of guilts, Routine Minor administrative actions, retrenchment or closure. In the present case that is not the reasons for imposing punishment on C.Suresh. Punishing a workman without enquiry, violated the Principles of Natural Justice and statutory standing order.

Respondent/management has not followed the Principles of Natural Justice before imposing punishment on C.Suresh.

22. Imposing punishment without any domestic enquiry is unfair and improper. Hence the order passed by the respondent/management against C.Suresh under Ex.W3 is to be set aside as the same is illegal and against law.

In the result, it is decided that the demand of the Trade Union that the final order memorandum No.104/59/1059/நீ5/த.அ.பே.க.(வி).கா.ம/2014, நாள்26.08.2014, issued to the Driver namely C.Suresh Employee No.43381 by the Management to be set aside/ cancelled and petitioner to be paid continuously all monetary benefits he is entitled to, is justified.

Dictated to the steno typist, directly typed by her, corrected and pronounced by me in the open court, this the 20<sup>th</sup> day of May 2026.

Presiding Officer,  
Labour Court,  
Kancheepuram.

### **List of witnesses examined**

#### **For the Petitioner/Workman Union:**

W.W.1 C.Suresh

#### **For the Respondent / Management:**

M.W1 Sureshkumar

**List of exhibits marked**

**For the Petitioner/Workman Union:**

|        |            |                                                                                                                             |
|--------|------------|-----------------------------------------------------------------------------------------------------------------------------|
| Ex.W.1 | 19.02.2014 | Copy of Suspension order                                                                                                    |
| Ex.W.2 | 19.02.2014 | Copy of Charge memo                                                                                                         |
| Ex.W.3 | 25.02.2014 | Copy of letter sent to the 2nd respondent by petitioner.                                                                    |
| Ex.W.4 | 05.03.2014 | Copy of petition filed by the petitioner and the respondents under the Right to Information Act against the administration. |
| Ex.W.5 | 17.03.2014 | Copy of petition filed by the petitioner seeking documents from the respondents.                                            |
| Ex.W.6 | 07.05.2014 | Copy of documents (Form C) submitted by the respondent/management to the petitioner                                         |
| Ex.W.7 | 24.07.2014 | Copy of reply given to the respondents by petitioner                                                                        |
| Ex.W.8 | 26.08.2014 | Copy of Final order given to the petitioner by respondents.                                                                 |
| Ex.W.9 | 31.07.2018 | Copy of G.O.(D)No.475                                                                                                       |

**For the Respondent/ Management:**

|        |            |                                                              |
|--------|------------|--------------------------------------------------------------|
| Ex.M.1 | 10.02.2014 | Copy of the complaint filed by the controller                |
| Ex.M.2 | 06.02.2024 | Copy of the complaint filed by the guard G.Natarajan         |
| Ex.M.3 |            | Copy of recommendation letter from Kalpakkam Branch Manager. |
| Ex.M.4 | 19.02.2014 | Copy of Suspension Order                                     |
| Ex.M.5 | 03.03.2014 | Copy of Revocation Order.                                    |
| Ex.M.6 | 19.02.2014 | Copy of Charge sheet                                         |

|         |            |                                                                                                  |
|---------|------------|--------------------------------------------------------------------------------------------------|
| Ex.M.7  | 16.07.2014 | Copy of explanation                                                                              |
| Ex.M.8  | 24.07.2014 | Copy of explanation letter given to 2nd respondent by petitioner                                 |
| Ex.M.9  | 26.08.2014 | Copy of Final Order                                                                              |
| Ex.M.10 |            | Copy of the report on the details of the punishment given to the petitioner on previous charges. |

Presiding Officer,  
Labour Court,  
Kancheepuram.