



W.P(MD)No.3715 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.3715 of 2023

and

WMP (MD) No.3497 of 2023

Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Rep. by its General Manager
Karaikudi Region,
Maruthupathy,
Karaikudi.

... Petitioner(s)

vs.

Sathiyamoorthy

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari to call for the records relating to the impugned Award of the Labour Court, Madurai, passed in I.D.No. 14/2017 dated 14.09.2021 and to quash the same and to pass such further or other orders as this Honble Court may deem fit and proper in the nature and circumstances of the case and thus render justice..



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For Petitioner : Mr. P. Balasubramanian
For Respondent : No appearance

ORDER

Challenging the impugned award passed by the Labour Court, whereby the punishment was modified from dismissal to compulsory retirement, the petitioner/Transport Corporation has filed the present writ petition.

2. The case of the petitioner is that the respondent was working as a Conductor in the Paramakudi Branch. Without prior permission and without submitting any leave letter, the respondent absented himself from duty from 24.02.2012 to 09.04.2012. Since the respondent remained absent continuously, the petitioner Corporation issued a charge memo dated 09.04.2012, which was duly served on him. Thereafter, he submitted his explanation. After conducting a domestic enquiry, the Enquiry Officer found the charges proved. Based on the findings of the Enquiry Officer, a second show cause notice was issued. After conducting a full-fledged enquiry and following due procedure, the respondent was dismissed from service by order dated 29.07.2015. Aggrieved by the order of

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3. Learned counsel appearing for the petitioner would submit that the Labour Court arrived at the conclusion that the respondent joined service in the year 1991 through the Madurai Employment Exchange and after rendering more than a decade of service, his services were terminated on 29.07.2015. Taking a sympathetic view and considering his family circumstances, the Labour Court modified the punishment from dismissal to compulsory retirement, which is not sustainable. Though the Labour Court has powers under Section 11-A of the Industrial Disputes Act, such power cannot be exercised merely on sympathetic considerations when the employee is otherwise undeserving. During his service, the respondent had suffered 13 punishments. On earlier occasions, the petitioner Corporation had taken a lenient view and imposed only minor punishments. Considering his past conduct and repeated misconduct, the Corporation decided to impose the major punishment of dismissal from service. The Labour Court



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ought not to have interfered with the same. Accordingly, he prayed for allowing the writ petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though the name of the respondent is printed in the cause list, none appeared on behalf of the respondent. Considering the pendency of the writ petition, the matter is taken up for final disposal.

5. The facts of the case are not in dispute. Admittedly, the respondent entered service in the year 1991. It is also not in dispute that the respondent absented himself from duty without permission from 24.02.2012 to 09.04.2012. After conducting the enquiry, he was dismissed from service on 29.07.2015. Between 2012 and 2015, no suspension order was issued to the respondent and he continued in service from 1991 till 29.07.2015, the date of dismissal. This fact is not disputed by the petitioner Corporation. Learned counsel appearing for the petitioner Corporation submitted that the respondent had earlier suffered 13 punishments. However, those previous punishments were not produced before the



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WEB COPY Labour Court. Except Exs. M1 to M9, no other documents were marked to establish the earlier punishments.

6. The precedents on the issue of interference with the punishment imposed has been oft considered by the Courts and it has been the consistent view of the Courts that it is always within the domain of the disciplinary authority to decide on the punishment to be imposed on the delinquent, which should be proportionate to the act of the delinquent. Only when the punishment is disproportionate and shocking to the conscience, should the courts interfere in the same in exercise of powers under Article 226. In ***Prem Nath Bali v. High Court of Delhi*** reported in 2015 (16) SCC 415, the Supreme Court held as under :-

“20. It is a settled principle of law that once the charges levelled against the delinquent employee are proved, it is for the appointing authority to decide the punishment to be imposed on the delinquent employee in accordance with the Rules. The appointing authority, keeping in view the nature and gravity of the charges, the findings of the Inquiry Officer, the entire service record of the delinquent employee, and all other relevant factors, exercises its discretion and imposes such punishment as is provided under the Rules.



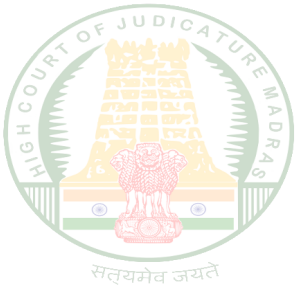
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21. Once such discretion is exercised by the appointing authority in imposing the punishment (whether minor or major), the Courts are slow to interfere with the quantum of punishment and substitute it only in rare and appropriate cases. Such power is exercised only when the Court finds that the delinquent employee has established that the punishment inflicted is wholly unreasonable, arbitrary, or disproportionate to the gravity of the proved charges, thereby shocking the conscience of the Court, or that it is in contravention of the Rules. In such cases, the Court may remit the matter to the appointing authority for imposing any other punishment in accordance with the Rules instead of the punishment originally awarded, or, in an appropriate case, substitute the punishment itself instead of remitting the matter to the appointing authority.”

(Emphasis Supplied)

From the ratio laid down by the Apex Court above, it is crystal clear that the power to interfere with the punishment should be exercised only if the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges and, thereby, shocking the conscience of the Court or if it is in contravention of the Rules.



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6. In the present case, the respondent had rendered about 14 years of service and was dismissed for unauthorised absence of about two months. Considering the long years of service, the Labour Court exercised its discretion under Section 11-A of the Industrial Disputes Act and modified the punishment from dismissal to compulsory retirement. Such exercise of discretion does not warrant interference by this Court. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

06.07.2026

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

To

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M.DHANDAPANI,J.

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**ORDER MADE IN
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