



WEB COPY

WP No. 3354 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 07-08-2026**

CORAM

**THE HON'BLE MR.JUSTICE K. SURENDER**

**WP No. 3354 of 2024**

**AND**

**WMP No. 3610 of 2024**

The Management of  
Tamil Nadu State Transport Corporation  
(Coimbatore) Limited  
Coimbatore, Rep by its General Manager

..Petitioner(s)

Vs

M. Nagarajan  
S/o Marappan  
Conductor 8377  
No 49-c Venkateswara Nagar,  
Goundampalayam Post, Coimbatore - 10

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the Award in I.D. No.265 of 2006 dated 14.07.2023 on the file of the Principal Labour Court, Coimbatore, and quash the same.

For Petitioner(s): Mr.T.Chandrasekaran

For Respondent(s): Ms.G.K.Dharshini  
for M/s.R.Krishnaswamy

### **ORDER**

Challenge in this Writ Petition to the Award passed in I.D. No.265 of 2006 dated 14.07.2023 on the file of the Principal Labour Court, Coimbatore,



and quash the same.

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2. The petitioner are the Management questioning the orders passed by the Labour Court in ID No.265 of 2006 dated 14.07.2023.

3. The brief facts of the case are that the respondent was appointed as Conductor in the Transport Corporation in the year 1981. He worked continuously in the Corporation. On 12.03.2003, a charge memo was issued to the respondent / conductor, that on 15.02.2003 while the petitioner was working as Conductor he had collected Rs.11/- from group of three male passengers and gave balance of 50 paise but tickets were not given. Likewise, from another female passenger he has taken Rs.10/- for the ticket but he did not issue ticket. Checking squad stopped the bus and found five passengers without tickets. The passengers informed that the money was collected by the conductor but the tickets were not provided. A domestic enquiry was conducted and it was found that the respondent / conductor was guilty of the charges framed. Accordingly, the respondent was dismissed from service on 14.03.2005.

4. Against the said dismissal, the ID was filed. The said ID was disposed of without considering the complicity or otherwise of the conductor, however, the Labour Court directed payment of Rs.50,000/- as compensation in lieu of reinstatement.



5. The respondent / conductor filed WP No.1682 of 2008 questioning the said order. This Court by order dated 08.03.2023 remanded the case back for fresh consideration. In accordance with order of this Court, impugned orders came to be passed.

6. Heard Mr.T.Chandrasekaran, learned counsel appearing for the petitioner and Ms.G.K.Dharshini, learned counsel appearing for the respondent.

7. The learned counsel appearing for the petitioner / Management would submit that it is a clear case of misappropriation by the Conductor. He was also involved in such offences earlier. Though the Labour Court found that the Conductor had taken the amount but did not issue the tickets, however, extended the benefit to continuity of service with all other attendant benefits without backwages and also set aside the dismissal order dated 14.03.2005.

8. On the other hand, the learned counsel appearing for the respondent would submit that the findings of the Labour Court are correct and the respondent / Conductor has already retired from service, as such the writ petition has to be dismissed.



9. The main ground on which the Labour Court found that the allegations were proved is that the Conductor did not enter into the witness box to disprove his misconduct regarding the alleged incident. For the said reason of not examining himself, the Labour Court found that the allegations that the respondent / Conductor had collected necessary fare from the passengers, but did not issue tickets was proved.

10. Admittedly, the stand of the petitioner right from the beginning is one of denial. Even when the charge memo was issued and previously when the checking inspector had entered into the bus, the respondent / conductor had denied taking any amount from the passengers.

11. The said version of the conductor is consistent through out the enquiry proceedings and also during the proceedings before the Labour Court. In such a scenario, only for the reason of the respondent / conductor not entering into the witness box, an adverse inference cannot be drawn. His stand is very clear from the inception that he did not collect the amount as such the tickets were not issued.

12. Further, it is admitted that no excess amount was found either from the person of the conductor or in his cash bag. In such circumstances, I do not find any infirmity, with the findings of the Labour Court, though for different



reasons, to set aside the dismissal order. There are no grounds to interfere with the impugned order and the writ petition is liable to be dismissed.

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13. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

**07-08-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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**K.SURENDER J.**

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