



W.P(MD)No.12876 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.12876 of 2023

and

W.M.P(MD)No.10913 of 2023

The Management,
State Express Transport Corporation,
Pallavan Salai,
Chennai - 2.

... Petitioner

Vs

The General Secretary,
Nellai, Childambaranar, Kumari Mavatta Arasu
Pokkuvarathu Employees Union,
Reg.No.468/Thile, 4C, Imperial Compound (1st Floor),
Peradichi Amman Kovil Road,
Vannarpettai,
Tirunelveli – 3.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records on the file of the Labour Court, Kumbakonam pertaining to its proceedings in I.D.No.5 of 2020 dated 29.12.2022 and quash the same.



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For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.K.Guhan

ORDER

Challenging the award dated 29.12.2022 passed by the Labour Court, Kumbakonam, in I.D. No.5 of 2020, the petitioner Corporation has filed the present Writ Petition.

2.The learned counsel appearing for the petitioner submitted that the respondent/workman, Senthorkani, joined the services of the petitioner Corporation as a Conductor in the year 1987. While he was on duty as a Conductor on 05.10.2015 in a bus operating on Route No.324/B200 from Chennai to Nagapattinam, he allegedly collected a sum of Rs.230/- from a passenger but issued a ticket only for Rs.30/-, thereby misappropriating the balance amount of Rs.200/-. For the said misconduct, disciplinary proceedings were initiated under Clause 16 of the Certified Standing Orders. A charge memo was issued and the respondent/workman was placed under suspension by order dated 17.10.2015.



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3.It is further submitted that, after considering the explanation submitted by the workman, a domestic enquiry was conducted, wherein the Enquiry Officer found the charges proved. Based on the findings of the Enquiry Officer, a second show cause notice dated 03.10.2017 was issued proposing the punishment of stoppage of three annual increments with cumulative effect. After considering the explanation submitted by the workman on 04.10.2017, the disciplinary authority, by proceedings dated 17.11.2017, imposed the punishment of stoppage of three annual increments with cumulative effect. Aggrieved by the said punishment, the workman preferred an appeal before the Managing Director. Since no orders were passed on the appeal, the respondent Union espoused the cause of the workman and raised an industrial dispute under Section 2(k) of the Industrial Disputes Act, 1947, in I.D.No.5 of 2020 before the Labour Court, Kumbakonam. The Labour Court, by its award dated 29.12.2022, allowed the industrial dispute and set aside the punishment. Challenging the said award, the present Writ Petition has been filed.



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4.The learned counsel appearing for the petitioner further submitted that the misconduct committed by the workman stood duly established in the domestic enquiry. In order to substantiate the charges, the petitioner Corporation marked Exs.M1 to M12 before the Labour Court. However, the Labour Court, without properly appreciating the oral and documentary evidence available on record, erroneously interfered with the punishment imposed by the disciplinary authority. According to the learned counsel, the findings of the Labour Court are perverse and contrary to the evidence on record and, therefore, the impugned award is liable to be set aside.

5.Per contra, the learned counsel appearing for the respondent Union submitted that the Labour Court has rightly appreciated the evidence available on record. It is contended that Ex.M1, namely, the report of the Checking Inspector, and Ex.M7, namely, the report of the Enquiry Officer, contain material inconsistencies with regard to the alleged misconduct. In



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view of such contradictions, the Labour Court rightly held that the charges had not been satisfactorily established.

6.The learned counsel further submitted that, though the Corporation alleged that the workman had collected Rs.230/- from a passenger and issued a ticket only for Rs.30/-, neither the identity of the passenger was disclosed nor was any statement obtained from or marked through the said passenger. No passenger was examined either in the domestic enquiry or before the Labour Court. In the absence of any independent evidence to corroborate the allegation of misappropriation, the findings of the Enquiry Officer were based solely on assumptions and could not be sustained. It is therefore submitted that the Labour Court, upon an independent appraisal of the evidence, rightly interfered with the punishment and the award does not call for interference under Article 226 of the Constitution of India.



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7.Heard the learned counsel appearing on either side and perused the materials available on record.

8.The issue that arises for consideration is whether the award passed by the Labour Court warrants interference in exercise of the writ jurisdiction of this Court.

9.A perusal of the award would show that the Labour Court has meticulously analysed the oral and documentary evidence placed before it. It has taken note of the inconsistencies between the report of the Checking Inspector (Ex.M1) and the findings recorded by the Enquiry Officer (Ex.M7). The Labour Court has also found that the very passenger from whom the alleged excess fare was collected was neither identified nor examined, and no statement allegedly given by such passenger was produced before the domestic enquiry or before the Labour Court. In the absence of such primary evidence, the Labour Court concluded that the charge of misappropriation had not been established by acceptable evidence.



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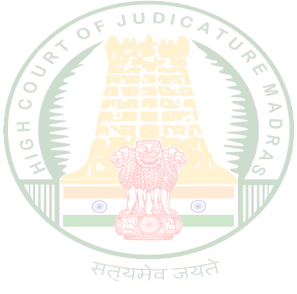
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10.It is well settled that, while exercising jurisdiction under Article 226 of the Constitution of India, this Court does not sit in appeal over the findings of fact recorded by the Labour Court. Unless the findings are shown to be perverse, based on no evidence, or suffer from patent illegality, interference is unwarranted. In the present case, the findings recorded by the Labour Court are based on the evidence available on record and are supported by cogent reasons. This Court does not find any perversity, illegality or jurisdictional error in the impugned award warranting interference.

11.Accordingly, the Writ Petition stands dismissed. The award dated 29.12.2022 passed by the Labour Court, Kumbakonam, in I.D. No.5 of 2020 is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
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To

The General Secretary,
Nellai, Childambaranar, Kumari Mavatta Arasu
Pokkuvarathu Employees Union,
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M.DHANDAPANI, J.

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