



W.P(MD)No.17528 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.17528 of 2023

and

W.M.P(MD)No.14652 of 2023

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichirappalli Region,
Trichirappalli - 620 001.

... Petitioner

Vs

1.G.Chandran

2.The Presiding Officer,
Labour Court, Tiruchirapalli.

... Respondents

(R2 is impleaded vide order dated 14.08.2023 in
WMP(MD)No.15911/2023)

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned award of the Labour Court, Tiruchirappalli passed in I.D.No.18 of 2014 dated 28.12.2021 and to quash the same.



W.P(MD)No.17528 of 2023

WEB COPY

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.G.M.Xavier (R1)

: Court (R2)

ORDER

This Writ Petition has been filed challenging the award passed by the Labour Court, Tiruchirappalli, in I.D.No.18 of 2014, dated 28.12.2021, and to quash the same.

2.Learned counsel appearing for the petitioner submitted that the petitioner is a State Transport Corporation incorporated under the Companies Act. The first respondent was employed as a Conductor in the petitioner Corporation and entered service in the year 1988.

3.It is submitted that on 07.03.2008, while the first respondent was on duty in the bus bearing Registration No.TN-45 N-1989, operating on the route from Madurai to Tiruchirappalli, the Electronic Ticketing Machine



W.P(MD)No.17528 of 2023

WEB COPY

(ETM) developed a technical defect. According to the first respondent, the bus was carrying about 70 passengers as against its seating capacity of 50 passengers and, owing to the heavy rush, he attempted to rectify the defect in the ETM without stopping the bus, as the service was time-bound. It is stated that the defect was rectified after about 20 to 30 minutes. During the said period, when the bus reached Melur, additional passengers boarded the bus and tickets could not be issued immediately due to the malfunction of the ETM. However, immediately after the defect was rectified, tickets were issued to all the passengers.

4.The petitioner Corporation treated the delay in issuing tickets as a serious misconduct, issued a charge memo, conducted a domestic enquiry and ultimately dismissed the first respondent from service. Aggrieved by the order of dismissal, the first respondent raised an industrial dispute in I.D.No.18 of 2014 before the Labour Court, Tiruchirappalli. By the impugned award dated 28.12.2021, the Labour Court modified the punishment of dismissal into one of compulsory retirement, taking note of



W.P(MD)No.17528 of 2023

WEB COPY

the fact that the first respondent had attained the age of superannuation during the pendency of the proceedings. Challenging the said award, the present Writ Petition has been filed.

5.Learned counsel appearing for the petitioner Corporation submitted that whenever the ETM develops a technical defect, it is the duty of the conductor to immediately inform the management, which would make necessary arrangements, including the supply of manual tickets. Even otherwise, the conductor could have issued manual tickets and furnished an explanation thereafter. The first respondent failed to adopt either of the above courses and thereby committed misconduct. Accordingly, disciplinary proceedings were initiated and, after conducting a fair enquiry, the punishment of dismissal from service was imposed. It is therefore submitted that the Labour Court was not justified in interfering with the punishment imposed by the disciplinary authority.



W.P(MD)No.17528 of 2023

WEB COPY

6.Per contra, learned counsel appearing for the first respondent submitted that the conductors are instructed to issue tickets only through the ETM. In the present case, while the bus was proceeding from Madurai to Tiruchirappalli, the ETM developed a technical defect, which was rectified within a short time. Since the ETM is electronically connected to the petitioner's central system, tickets could be issued only from the stage at which the machine became functional. Immediately after the defect was rectified, tickets were issued to all the passengers. It is further submitted that there was no excess cash found in the cash bag of the first respondent, which clearly establishes that there was no misappropriation or dishonest intention. Taking note of these circumstances, the Labour Court rightly exercised its power under Section 11-A of the Industrial Disputes Act and modified the punishment from dismissal to compulsory retirement. The said award does not warrant interference under Article 226 of the Constitution of India.

7.This Court has carefully considered the rival submissions and perused the materials available on record.



W.P(MD)No.17528 of 2023

WEB COPY

8.It is not in dispute that the ETM developed a technical defect during the course of the trip. It is also not in dispute that, after the defect was rectified, tickets were issued to the passengers. Significantly, no excess cash was found in the possession of the first respondent and there is no material to establish any actual misappropriation or dishonest gain on his part.

9.Taking into consideration the overall facts and circumstances, the Labour Court exercised its jurisdiction under Section 11-A of the Industrial Disputes Act and modified the punishment of dismissal into compulsory retirement, particularly in view of the fact that the first respondent had already attained the age of superannuation.

10.In ***Prem Nath Bali v. High Court of Delhi***, reported in ***(2015) 16 SCC 415***, the Hon'ble Supreme Court has held as follows:



W.P(MD)No.17528 of 2023

WEB COPY

"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 as to what punishment should be imposed on the delinquent employee as per 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 the punishment as provided under the Rules.

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 only in rare and appropriate cases substitute the punishment. Such power is exercised only when the Court finds that the punishment imposed is wholly unreasonable, arbitrary or disproportionate to the gravity of the proved charges, thereby shocking the conscience of the Court, or when it is found to be contrary to the Rules. In such cases, the Court may remit the matter to the appointing authority for imposing an appropriate punishment or may itself substitute the punishment instead of remitting the matter."



W.P(MD)No.17528 of 2023

WEB COPY

11.The scope of interference with the punishment imposed in disciplinary proceedings has been considered by the Hon'ble Supreme Court in ***Prem Nath Bali v. High Court of Delhi***, reported in ***(2015) 16 SCC 415***, wherein it has been held that the disciplinary authority has the discretion to impose an appropriate punishment depending upon the nature and gravity of the misconduct, and the Courts would interfere with the quantum of punishment only in exceptional cases where the punishment is wholly unreasonable, arbitrary, or shockingly disproportionate.

12.In the present case, the Labour Court has not exonerated the first respondent from the charge. On the contrary, while sustaining the finding of misconduct, it has only modified the punishment by exercising the statutory power conferred under Section 11-A of the Industrial Disputes Act. The Labour Court has assigned cogent reasons for such modification, having regard to the nature of the misconduct, the absence of any financial loss or misappropriation, the long years of service rendered by the first respondent, and the fact that he had attained the age of superannuation.

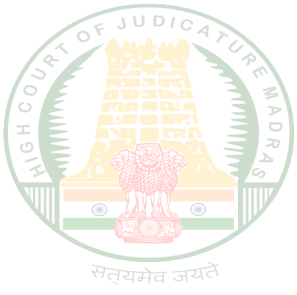


W.P(MD)No.17528 of 2023

WEB COPY

13.This Court does not find the exercise of discretion by the Labour Court to be either arbitrary or perverse so as to warrant interference under Article 226 of the Constitution of India. The principles laid down by the Hon'ble Supreme Court in Prem Nath Bali do not advance the case of the petitioner. On the contrary, the said decision reiterates that interference with the quantum of punishment is permissible in appropriate cases. The present case is one such instance where the Labour Court has exercised its statutory jurisdiction judiciously and on sound reasons.

14.Accordingly, this Court finds no merit in the Writ Petition. The award passed by the Labour Court, Tiruchirappalli, in I.D. No.18 of 2014, dated 28.12.2021, does not suffer from any illegality or perversity warranting interference.



W.P(MD)No.17528 of 2023

WEB COPY

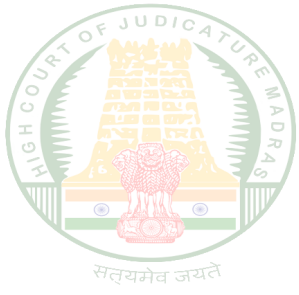
15.In the result, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

14.07.2026

NCC : Yes / No
Index : Yes / No
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To

The Presiding Officer,
Labour Court,
Tiruchirapalli.



WEB COPY



W.P(MD)No.17528 of 2023

M.DHANDAPANI, J.

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W.P(MD)No.17528 of 2023

14.07.2026