



W.P(MD)No.19295 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19295 of 2023

and

W.M.P.(MD).No.15980 of 2023

The Management,
Tamil Nadu State Transport Corporation,
No.19, Thiruvananthapuram Salai,
Vannarpettai,
Tirunelveli.

... Petitioner

Vs

The General Secretary,
Tamil Nadu District Transport Employees Union (CITU),
Opposite to Transport Corporation Office,
Tirunelveli-3,
For A.Durairaj,
Employee,
EPD No.3028

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records to the award of the Labour Court, Court (FAC), Tirunelveli in ID.No.85 of 2014 and quash the same.



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For Petitioner : Mr.D.Jebaraj

For Respondent : Mr.S.Arunachalam

ORDER

This Writ Petition has been filed challenging the award passed by the Labour Court (FAC), Tirunelveli in I.D. No.85 of 2014, dated 06.01.2016.

2. Heard the learned counsel appearing on either side.

3. The learned counsel appearing for the petitioner Corporation submitted that the member of the respondent Union, namely, Durairaj, was appointed as a Conductor in the petitioner Corporation. While he was on duty on 19.02.2006 in Route No.33A plying from Palayamkottai High Ground to South Cheliyanallur, a surprise inspection was conducted by the Checking Inspectors. During the inspection, it was found that though a lady passenger was carrying a fish container as luggage, the workman had failed to issue a luggage ticket for the prescribed charge of Rs.5/-. Consequently, disciplinary proceedings were initiated by issuing a charge memo. A domestic enquiry was conducted, in which the



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charge was held proved. Based on the findings of the Enquiry Officer, the disciplinary authority imposed the punishment of stoppage of increment for one year with cumulative effect. Aggrieved by the said punishment, the respondent Union raised an industrial dispute in I.D. No.85 of 2014 before the Labour Court, Tirunelveli. The Labour Court, by the impugned award dated 06.01.2016, set aside the punishment. Challenging the said award, the present writ petition has been filed.

4. Per contra, the learned counsel appearing for the respondent Union submitted that the lady passenger was carrying only a small fish container, the weight of which did not attract any luggage charges under the Rules. Therefore, the workman had not issued a separate luggage ticket. It was further submitted that when the Checking Inspectors questioned the workman, the passengers present in the bus protested and quarrelled with the Inspectors stating that no luggage charge was payable. During the domestic enquiry, the passengers were examined as witnesses. Upon appreciation of the evidence, the Enquiry Officer himself recorded that the charge was not proved. Despite such a finding, the



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disciplinary authority, without assigning any valid reasons for differing with the findings of the Enquiry Officer, imposed the punishment of stoppage of increment for one year with cumulative effect. The Labour Court, after appreciating the entire materials, rightly held that there was no acceptable evidence to establish the misconduct and consequently set aside the punishment. Therefore, the learned counsel prayed for dismissal of the writ petition.

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

6. It is not in dispute that the Enquiry Officer, after conducting a full-fledged domestic enquiry and examining the witnesses, returned a categorical finding that the charge against the workman was not proved. The disciplinary authority, however, chose to impose the punishment without recording any independent reasons for disagreeing with the findings of the Enquiry Officer. It is a settled principle that where the disciplinary authority proposes to differ from the findings of the Enquiry Officer, particularly when the findings are in favour of the



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delinquent employee, the disciplinary authority is required to record reasons for such disagreement and afford an opportunity to the employee before imposing punishment. In the present case, no such exercise has been undertaken.

7. The Labour Court, on appreciation of the oral and documentary evidence, has rightly held that there was no reliable material to establish that the workman had intentionally failed to collect luggage charges. The finding of the Labour Court is based on evidence and cannot be said to be either perverse or arbitrary. This Court, while exercising jurisdiction under Article 226 of the Constitution of India, does not sit in appeal over the findings of fact recorded by the Labour Court unless such findings suffer from perversity or patent illegality. No such infirmity is made out in the present case.

8. In view of the above, this Court finds no merit in the writ petition. The award passed by the Labour Court does not warrant interference.



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9. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
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To

The Labour Court, Court (FAC), Tirunelveli.



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M.DHANDAPANI, J.

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