



W.P(MD)No.20746 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.20746 of 2023

and

W.M.P.(MD).No.17171 of 2023

The Management,
Tamil Nadu State Transport Corporation,
Kumbakonam (Limited),
Kumbakonam.

... Petitioner

Vs

P.Natarajan

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned award passed by the Labour Court, Kumbakonam in I.D.No.125 of 2018 dated 31.01.2019 and quash the same.

For Petitioner : Mr.P.Balasubramanian



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ORDER

This Writ Petition has been filed challenging the award passed by the Labour Court, Kumbakonam in I.D. No.125 of 2018, dated 31.01.2019.

2. Heard the learned counsel appearing for the petitioner. Though the name of the respondent is printed in the cause list, there is no representation on behalf of the respondent.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a State Transport Corporation engaged in providing public transport service to the general public at an affordable cost. The respondent was appointed as a Conductor and had entered service on 01.03.1973.

4. According to the petitioner, while the respondent was on duty on 02.10.1993 in the bus bearing Registration No.TN-49-N-0034 plying between Thanjavur and Sathanur, the checking officials conducted a surprise inspection. During the inspection, it was found that the respondent had collected a sum of



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Rs.2.80 from each of two passengers, totalling Rs.5.60, but had issued tickets worth only Rs.1.40 each, thereby allegedly misappropriating a sum of Rs.2.80. Statements were obtained from the concerned passengers, which were also countersigned by the Driver. Based on the said materials, a charge memo was issued to the respondent. A domestic enquiry was conducted and the Enquiry Officer held the charge proved. Thereafter, a second show cause notice was issued and on consideration of the respondent's explanation, the respondent was dismissed from service by order dated 15.10.1993. Thereafter, the petitioner filed an approval petition before the Industrial Tribunal, Madrai in Approval Petition No.96 of 1993 and the same was allowed by an order dated 11.04.1995 granting approval of the dismissal. Aggrieved by the order of dismissal, the respondent raised an industrial dispute in I.D. No.66 of 1996 before the Labour Court, Kumbakonam. The Labour Court allowed the dispute. Challenging the same, the petitioner Corporation filed W.P. No.39900 of 2002 before this Court. This Court set aside the award and remitted the matter to the Labour Court for fresh consideration, directing the petitioner Corporation to deposit the entire back wages amounting to Rs.1,60,130/-. Liberty was granted to the respondent to



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withdraw a sum of Rs.80,000/- upon execution of a bond and the balance amount was directed to be kept in an interest-bearing fixed deposit. Pursuant to the remand, the Labour Court reconsidered the matter and, by the impugned award, once again allowed the Industrial Dispute by setting aside the order of dismissal. Challenging the said award, the present writ petition has been filed.

5. The learned counsel for the petitioner would further contend that the misconduct stood clearly established in the domestic enquiry. The respondent had admittedly collected Rs.5.60 from two passengers but issued tickets only for Rs. 1.40 each. It is further submitted that excess cash was also found in the respondent's possession during inspection. The statements obtained from the passengers, the endorsement made by the Driver, the checking officials' report and other relevant documents were all marked before the Enquiry Officer as well as before the Labour Court. Despite the availability of such evidence, the Labour Court erroneously interfered with the punishment and set aside the dismissal order. Therefore, according to the petitioner, the impugned award is liable to be set aside.



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6. This Court has carefully considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

9. The facts are not in dispute. The respondent entered service in the year 1973 and had rendered about 20 years of unblemished service before the issuance of the charge memo. The order of dismissal came to be passed on 15.10.1993.

10. The sole allegation against the respondent is that he had collected Rs. 2.80 each from two passengers, totalling Rs.5.60, but issued tickets worth only Rs.1.40 each and thereby misappropriated a sum of Rs.2.80.

11. However, a careful consideration of the records would show that the allegation itself suffers from serious infirmities. Admittedly, there was no ticket of Rs.2.80 denomination available for issuance. The denomination available was only Rs.1.40. Further, the records do not disclose at which stage the passengers boarded the bus, the distance for which they intended to travel, or the stage at



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which they were intercepted during inspection. In the absence of such particulars, the allegation of misappropriation cannot be said to have been established with certainty.

12. It is also seen from the records that before commencing the trip, the respondent had declared the personal cash in his possession and entered the same in the relevant voucher. The trip sheet and voucher further indicate that after meeting his breakfast expenses, the balance personal cash available with him was Rs.24.05. Therefore, the mere availability of Rs.24.05 with the respondent cannot, by itself, be treated as excess cash representing misappropriated fare collections.

13. The Labour Court has taken note of these material aspects and has rightly held that the management failed to establish the charge by acceptable and reliable evidence. This Court does not find any perversity or patent illegality in the appreciation of evidence made by the Labour Court warranting interference under Article 226 of the Constitution of India.

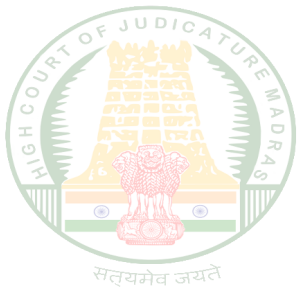


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14. It is also relevant to note that the alleged misconduct pertains to the year 1993 and the respondent had already rendered nearly two decades of service before the incident. The dispute has remained pending for several years. In the facts and circumstances of the case, this Court finds no reason to interfere with the well-considered award passed by the Labour Court.

15. Accordingly, the award of the Labour Court, Kumbakonam in I.D. No. 125 of 1998 is confirmed. The respondent shall be entitled to continuity of service and all attendant service benefits till the date of his superannuation, for the limited purpose of calculating terminal and retirement benefits, in terms of the award. The petitioner Corporation is directed to settle all the terminal and retirement benefits payable to the respondent, or, if the respondent has since deceased, to his legal heirs, within a period of six (6) weeks from the date of receipt of a copy of this order. The respondent/workman or, as the case may be, his legal heirs shall also be entitled to withdraw the amount lying in deposit before the Labour Court, together with accrued interest, without the necessity of filing any formal application.



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16. Accordingly, this 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, Kumbakonam.



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M.DHANDAPANI, J.

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