



W.P(MD)No.21708 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.21708 of 2023

V.Paramasivam

... Petitioner(s)

vs.

The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Trichy-1.

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus after calling for the records from the Labour Court, Trichy relating to the impugned award dated 28.02.22 in I.D.No.15 of 2018, quash the same and consequently to direct the respondent reinstate the petitioner in service with continuity of service, back wages and all other attendant benefits, award cost.

For Petitioner	: Mr. S.Arunachalam
For Respondent	: Mr.S.C.Herold Singh



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ORDER

This writ petition has been filed challenging the award dated 28.02.2022 passed by the Labour Court and consequently seeking a direction to the respondent Corporation to reinstate the petitioner in service with continuity of service, back wages and all other attendant benefits.

2. The case of the the petitioner is that he was appointed as a Reserve Conductor in the respondent Transport Corporation on 21.05.2015. While in service, the petitioner remained unauthorisedly absent from 18.05.2015 to 23.07.2015. Treating the same as a serious misconduct under Rule 24(6) of the Certified Standing Orders, the respondent Corporation issued a charge memo dated 07.08.2015. After conducting a domestic enquiry, the petitioner was dismissed from service by order dated 23.12.2015. Aggrieved by the order of dismissal, the petitioner raised an industrial dispute in I.D. No.15 of 2018 before the Labour Court. The Labour Court dismissed the industrial dispute holding that the petitioner had remained unauthorisedly absent and that his conduct justified



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the punishment of dismissal. Challenging the said award, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner was only a Reserve Conductor and had remained absent only for about two months due to sudden illness. Owing to his medical condition, he was unable to intimate the respondent Corporation or submit medical records immediately. Without appreciating these mitigating circumstances, the respondent Corporation imposed the extreme punishment of dismissal from service. The Labour Court also failed to consider the principle of proportionality while confirming the punishment. Accordingly, it is prayed that the award of the Labour Court and the order of dismissal be set aside.

4. Per contra, the learned counsel appearing for the respondent Corporation would submit that the petitioner, being a Reserve Conductor, remained unauthorisedly absent without obtaining prior permission. His sudden absence caused serious inconvenience to the Corporation and disrupted public transport services, thereby causing hardship to the travelling public. The



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punishment imposed is proportionate to the misconduct proved in the domestic enquiry and does not warrant interference. Accordingly, he prayed for dismissal of this writ petition.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. The precedents on the issue of interference with the punishment imposed has been oft considered by the Courts and it has been the consistent view of the Courts that it is always within the domain of the disciplinary authority to decide on the punishment to be imposed on the delinquent, which should be proportionate to the act of the delinquent. Only when the punishment is disproportionate and shocking to the conscience, should the courts interfere in the same in exercise of powers under Article 226. In ***Prem Nath Bali v. High Court of Delhi*** reported in 2015 (16) SCC 415, the Supreme Court held as under :-

“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 the punishment to be imposed on the delinquent employee in accordance with the Rules. The appointing



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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 such punishment as is 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 substitute it only in rare and appropriate cases. Such power is exercised only when the Court finds that the delinquent employee has established that the punishment inflicted is wholly unreasonable, arbitrary, or disproportionate to the gravity of the proved charges, thereby shocking the conscience of the Court, or that it is in contravention of the Rules. In such cases, the Court may remit the matter to the appointing authority for imposing any other punishment in accordance with the Rules instead of the punishment originally awarded, or, in an appropriate case, substitute the punishment itself instead of remitting the matter to the appointing authority.”

(Emphasis Supplied)

From the ratio laid down by the Apex Court above, it is crystal clear that the power to interfere with the punishment should be exercised only if the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges



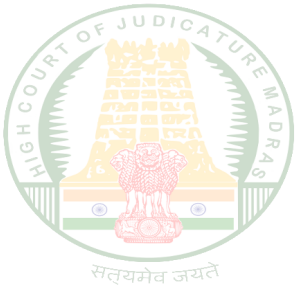
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and, thereby, shocking the conscience of the Court or if it is in contravention of the Rules.

7. In the present case in hand, the question that arises for consideration is whether the punishment of dismissal from service is proportionate to the proved misconduct. Though unauthorised absence is undoubtedly a serious misconduct, the records disclose that the misconduct attributed to the petitioner is confined only to such absence and there is no allegation of misappropriation or any other misconduct involving loss of confidence. Taking into consideration the nature of the misconduct, the fact that the petitioner was only a Reserve Conductor and the overall facts and circumstances of the case, this Court is of the considered view that the punishment of dismissal is unduly harsh and disproportionate. Therefore, this Court is inclined to interfere with the quantum of punishment in exercise of its powers under Article 226 of the Constitution of India.

8. Accordingly, the impugned award dated 28.02.2022 is set aside. The respondent Corporation is directed to appoint the petitioner afresh as a



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Reserve Conductor, treating him as a fresh entrant, subject to his possessing a valid Conductor's Renewal Licence and satisfying the other eligibility requirements. It is made clear that such fresh appointment shall not confer upon the petitioner any benefit of continuity of service, back wages, seniority, pensionary benefits or any other attendant service benefits arising out of his earlier employment.

9. With the above directions, this writ petition is allowed. There shall be no order as to costs.

21.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

To

The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Trichy-1.

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M.DHANDAPANI,J.

PKN

**ORDER MADE IN
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