



W.A(MD)No.574 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

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CORAM
THE HONOURABLE MR. JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.A(MD)No.574 of 2021
and
C.M.P.(MD).No.2619 of 2021

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye-pass Road,
Madurai – 625 010.

: Appellant

Vs.

1. The Presiding Officer,
Labour Court, Madurai.

2. S. Thukkamuthu

... Respondent

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No. 10747 of 2014 dated 08.03.2018.

For Appellant : Mr.s.C.Herold Singh

For Respondents : Mr.S.Govindan (R2)



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JUDGMENT

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(Judgment of the Court was made by **M.DHANDAPANI.J.**)

This Intra-Court Appeal has been filed challenging the order passed by the learned Single Judge of this Court in W.P.(MD)No.10747 of 2014, dated 08.03.2018, whereby the award passed by the Labour Court was upheld.

2. The petitioner in the writ petition as well as in this writ appeal is the Transport Corporation. The second respondent was appointed as a Conductor in the petitioner-Corporation in the year 1987. While the second respondent was on duty as a Conductor in the bus bearing Registration No. TN-58-N-0123, operating on the route from Sengottah to Theni, the Checking Inspector of the petitioner-Corporation checked the bus at Subbulapuram at about 1.10 a.m. It was alleged that the second respondent had collected a sum of Rs.34/- from a passenger without issuing a ticket and had misappropriated the said amount. In respect of the said allegation, a charge memo was issued to the second respondent. After conducting a domestic enquiry, in which due opportunity was afforded to him and after considering the statement recorded by the Checking Inspector, which was marked as Ex.M4, the petitioner-Corporation dismissed the second respondent from service. Thereafter, the



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petitioner-Corporation filed an approval petition before the competent authority.

The approval petition was allowed. Subsequently, the second respondent raised an industrial dispute in I.D.No.23 of 2012 before the Labour Court. The Labour Court, by award dated 30.12.2013, modified the punishment and directed reinstatement of the second respondent without back wages, with continuity of service, excluding the period from 19.03.2003 to 14.11.2010. Aggrieved by the said award, the petitioner-Corporation filed W.P.(MD) No.10474 of 2014 before this Court. The said writ petition came to be dismissed. Challenging the same, the present writ appeal has been filed.

3. The learned Standing Counsel appearing for the petitioner-Corporation would submit that the Labour Court erred in appreciating the evidence available on record. The statement of the passenger, as corroborated by the Checking Inspector and the Conductor/Driver, was placed before the Labour Court and the relevant material was marked as Ex.M4. However, the Labour Court failed to properly appreciate the said evidence. It is further submitted that the second respondent had no explanation for the alleged collection of Rs.34/- without issuing a ticket. Despite the same, the Labour Court interfered with the punishment and ordered reinstatement. Hence, the learned counsel would submit that the award of the Labour Court is perverse



and warrants interference of this Court.

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4. Per contra, learned counsel appearing for the second respondent would submit that the Checking Inspector had inspected the bus at about 1.10 a.m., when there were about 26 passengers travelling in the bus. The second respondent had furnished an explanation both before the Enquiry Officer and the Checking Inspector. It is further submitted that, even assuming that a sum of Rs.34/- had been collected from the passenger, no excess amount was found in the cash bag of the second respondent when compared with the trip sheet and the relevant records. Therefore, the allegation of misappropriation was not established. The Labour Court, exercising its jurisdiction under Section 11-A of the Industrial Disputes Act, 1947, rightly modified the punishment. Hence, no interference is warranted.

5. This Court has carefully considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. The allegation against the second respondent is that he collected a sum of Rs.34/- from a passenger without issuing a ticket and misappropriated



the same. The petitioner-Corporation relies upon the report and statement of the Checking Inspector, which was marked as Ex.M4. However, the Labour Court, after considering the evidence available on record, has exercised its jurisdiction under Section 11-A of the Industrial Disputes Act and modified the punishment of dismissal by directing reinstatement without back wages, while excluding the relevant period of absence from the benefit of continuity of service.

7. The Labour Court has also taken note of the circumstances surrounding the alleged misconduct and has moulded the relief by denying back wages and excluding the relevant period i.e., from 19.03.2003 to 14.11.2010, from the benefit of continuity of service. Such exercise of discretion cannot be said to be wholly arbitrary or unreasonable. Therefore, this Court finds no sufficient ground to interfere with the award passed by the Labour Court.

8. However, it is brought to the notice of this Court that the second respondent has attained the age of superannuation on 30.06.2026. In view of the award of reinstatement passed by the Labour Court and the subsequent superannuation of the second respondent, the petitioner-Corporation is directed to work out and settle the consequential service and terminal benefits payable to the second respondent strictly in accordance with the award of the Labour



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Court. It is made clear that the second respondent shall not be entitled to back wages for the period for which the Labour Court has denied the same and the period from 19.03.2003 to 14.11.2010 shall stand excluded from the benefit of continuity of service, as directed by the Labour Court.

9. With the above direction, the writ appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[M.D.I.,J] [N.D.K.,J]

13.08.2026

Index: Yes/No
Internet: Yes/No
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To
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Labour Court, Madurai.



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AND

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