

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.8.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

**W.A.No.923 of 2017
and
C.M.P.No.12865 of 2017**

The Management,
Tamil Nadu State Transport Corporation
(Villupuram) Divn II Ltd., rep. by its
General Manager, Rangapuram, Vellore.

Appellant

Versus

1. The Joint Commissioner of Labour
(Conciliation),
D.M.S. Compound, Teynampet,
Chennai 600 006.

2. R.Baskar

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 6.4.2016 passed in W.P.No.42569 of 2006 on the file of this court.

For appellant : Mr.P.Paramasivados

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant-Transport Corporation.

2. On the allegation of misappropriation of Rs.16/- at a distant point of time, the first respondent herein, while he was discharging his duty as Conductor, has been removed from service. The first Respondent-Joint Commissioner of Labour (Conciliation) has rejected the Approval Petition in A.P.No.51 of 2005 filed by the Management on the ground of deficit payment of wages. Challenging the said order, the writ petition was filed by the Management. The learned Single Judge, while differing from the view of the first respondent with regard to payment of wages and holding that payment of wages was proper, took a lenient view, considering the length of service of the workman, and directed the Management to consider for imposing any lesser punishment. Challenging the same, the present writ appeal has been filed.

3. Considering the nature of charges, we are also of the view that the punishment of dismissal from service is disproportionate with the charges. Therefore, we do not find any illegality on the view taken by the learned Single Judge. Accordingly, we direct the appellant-Management to reinstate the workman, but, we leave it open to the discretion of the management to impose a lesser punishment to him. Such exercise shall be done within a period of two months from the date of receipt of a copy of this judgment. The writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

(H.G.R.,J.)(G.J.,J.)

2.8.2017.

Index:Yes/No
Internet:Yes/No
ssk.

To:

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**HULUVADI G. RAMESH, J.
AND
G.JAYACHANDRAN, J.**

ssk.



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