



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

and

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.A. (MD) No. 1103 of 2015

and

M.P. (MD) No. 2 of 2015

The Management,
TNSTC (Madurai Div -V) Ltd,
Rep. by its General Manager,
Virudhunagar Region,
Virudhunagar.

... Appellant/ Petitioner

Vs.

1. A. Paulraj,

2. The Presiding Officer,
Labour Court,
District Court Building,
Madurai.

... Respondents/ Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 09.07.2014 passed in W.P. (MD). No. 4054 of 2009 on the file of this Court.

Prayer in WP (MD). 4054/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari, calling for the records of the second respondent herein in his proceeding in I.D. No. 97 of 2001 dated 27.8.2008 and quash the same.

For Appellant : Mr. A. Jeyaram

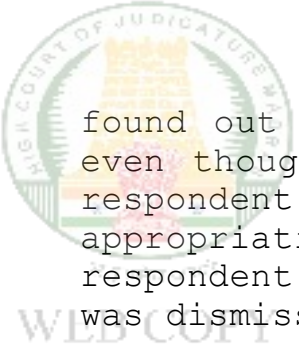
For Respondent No. 1 : No Appearance.

JUDGMENT

[Judgment of the Court was delivered by **G.R. SWAMINATHAN, J.**]

The unsuccessful Writ Petitioner is on appeal, challenging the order dated 09.07.2014 made in W.P. (MD). No. 4054 of 2009.

2. The first respondent herein was working as a Conductor in the appellant Corporation. On 11.03.1997, when he was on duty, the bus was checked by the Checking Inspector and it was



found out that the first respondent herein did not issue ticket, even though he collected the fare amount of Rs.2.40/-. The first respondent was issued with a charge memo alleging misappropriation. Domestic enquiry was conducted. The first respondent was found guilty of the charge levelled against him. He was dismissed from service vide order dated 18.08.1999.

3. This was challenged by the first respondent in I.D.No.97 of 2001 before the Labour Court, Madurai. The Labour Court by order dated 27.08.2008, partly allowed I.D.No.97 of 2001. The reinstatement of the first respondent was ordered with continuity of service, but without back wages. This was challenged by the appellant Corporation by filing W.P.(MD).No.4054 of 2009. The learned single Judge by order dated 09.07.2014, dismissed the Writ Petition.

4. Heard the learned counsel for the parties.

5. The appellant corporation admitted that the woman passenger from whom the fare was collected and to whom the ticket was not issued did not support the charges during the enquiry. This means that there was no evidence against the first respondent herein. In that view of the matter, the Labour Court chose to set aside the order of dismissal. The learned single Judge took into account the fact that the jurisdiction of this Court cannot be treated as appellate jurisdiction. The question of re-appreciation of the factual matrix does not arise. Therefore, the Writ Petition was dismissed. We do not want to take a different view. Accordingly, this Writ Appeal stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To:

1. The Presiding Officer,
Labour Court,
District Court Building,
Madurai.

W.A. (MD) No.1103 of 2015
and
M.P. (MD) No.2 of 2015
10.08.2017

km/dss

<https://hsrvtce.svco.mys.gov.in/Case/11.10.2017/2P-2C/>