

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.5895 of 2018 and
W.M.P.No.7244 of 2018

V.S.Dheenadhayalan ... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Limited, 3/137, Salamedu,
Valuthareddy Post,
Villupuram-605 602.

2. The General Manager,
Tamil Nadu State Transport Corporation
(VPM) Limited, Kancheepuram Region,
Chennai-Bangalore National Highways,
Near Ponnerikarai, Karaipettai Post,
Kancheepuram-631 552. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Certiorari, to call for the records on the file of the 2nd respondent in connection with the order passed by him vide Memo No.176/4676/L6/TNSTC (VPM), Kancheepuram Region/2015 dated 13.10.2017 and to quash the same.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.A.Antony Arockia Raja

O R D E R

This Writ Petition has been filed challenging the order passed by the 2nd respondent, namely, the General Manager, Tamil Nadu State Transport Corporation (VPM) Limited, Kancheepuram Region, in Memo No.176/4676/L6/TNSTC (VPM), Kancheepuram Region/2015 dated 13.10.2017.

2. Learned Counsel for the petitioner submitted that while the petitioner was working as a Senior Conductor in the respondent Transport Corporation, he was issued with a charge memo on 30.6.2015 on the allegation that on 2.5.2015 while he was performing his duty in Vehicle No.TN.21/N1650 Route No.212 H/J proceeding from Kancheepuram to Chengalpattu, he lost two unused ticket books worth Rs.36,380/- due to his negligence. Thereafter, he was subjected to domestic enquiry and finally, on completion of the enquiry, he was found guilty and final order has been passed on 13.10.2017 to recover a sum of Rs.36,380/- from his salary. Against the same, the petitioner has preferred an Appeal on 14.12.2017 before the 1st respondent herein and the same is still pending. Therefore, the petitioner has approached this Court by way of filing this Writ Petition.

3. Heard Mr.A.Antony Arockia Raja, learned Standing Counsel appearing for the respondents.

4. Though the learned Counsel for the petitioner submitted that as per the Settlement under Section 12(3) of the Industrial Disputes Act which came into effect from 01.09.1995 to the effect that no recovery could be made against the conductor for loss of ticket books, if the loss was due to the situation which was beyond his control, this Court is not able to appreciate the said contention. The reason is that Section 2k of the Industrial Disputes Act, 1947 clearly shows that "industrial dispute" means any dispute or difference between employers and employees or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person and the same should be adjudicated in the manner as per the said Act. That apart, as mentioned in the impugned order, the petitioner has preferred an appeal before the 1st respondent and the same is still pending. Under such circumstances, it is not fair on the part of the petitioner to approach this Court by way of filing the writ petition.

5. At this stage, the learned Counsel for the petitioner submitted that a direction may be issued to the 1st respondent to dispose of the appeal of the petitioner dated 14.12.2017 at the earliest.

6. Considering the submission of the learned Counsel for the petitioner, this Court directs the 1st respondent to consider and dispose of the petitioner's appeal dated 14.12.2017 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this Order.

7. With the above observation and direction, the Writ

Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Limited, 3/137, Salamedu,
Valuthareddy Post, Villupuram-605 602.

2. The General Manager,
Tamil Nadu State Transport Corporation
(VPM) Limited, Kancheepuram Region,
Chennai-Bangalore National Highways,
Near Ponnerikarai, Karaipettai Post,
Kancheepuram-631 552.

+1cc to Mr.A.Anotony Arockiaraja, Advocate, S.R.No.19897

+1cc to Mr.V.S.Jagadeshan, Advocate, S.R.No.19600

W.P.No.5895 of 2018

RR(CO)

RRK(11/04/2018)

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