



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.10747 of 2014

The Management,
Tamil Nadu Transport Corporation
(Madurai Division-1) Limited,
Bye Pass Road,
Madurai.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Madurai.

2.S.Thukkamuthu

... Respondents

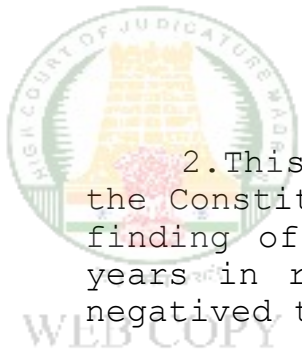
PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in I.D.No.23/2012 dated 30.12.2013 on the file of the first respondent and quash the same.

For Petitioner : Mr.A.Jeyaram

For R2 : Mr.S.Govindan

ORDER

The second respondent was employed as a conductor in the Petitioner Transport Corporation. He omitted to issue ticket on a passenger, even though, he had collected the fare amount of Rs.34/-. This happened on 22.06.2002. The incident came to light during inspection by the traffic checking inspector at 1.10 a.m. The defence offered by the second respondent was not acceptable to the management. He was dismissed from service by order dated 18.03.2003. He raised an industrial dispute in I.D.No.23 of 2012 before the Labour Court, Madurai. The labour Court, Madurai taking into account the totality of the circumstances that the fact that the second respondent had met with an accident earlier and lost two of his fingers and that he was facing some domestic disturbance during the relevant point of time. Due to his physical condition, he had fallen asleep and not issued the ticket. It therefore came to the conclusion that in the facts and circumstance of this case, the omission on the part of the delinquent to issue a ticket would amount to mere a lapse on his part and not a positive act of misappropriation. The Labour Court came to the said findings, after consideration of the entire material on records.



2.This Court exercising its jurisdiction under Article 226 of the Constitution of India is not inclined to interfere with the said finding of the fact. It is seen that there is a delay of about 8 years in raising the industrial dispute. The Labour Court rightly negatived the claim for back wages for the said period.

3.This Court is of the view that denial of eight years' salary itself is a sufficient punishment for the second respondent. The impugned order passed by the Labour Court does not call for any interference. This writ petition is therefore dismissed. No costs.

Sd/-
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court, Madurai

+1cc to Mr.S.Govindan, Advocate, SR.No.53953.

W.P. (MD) No.10747 of 2014
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rmi

RAM/VR/SAR 2/06.07.2018/2P/3C