



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.6983 of 2014
and M.P. (MD) Nos.1 & 2 of 2014

The Management,
Tamil Nadu State Transport
Corporation (Kumbakonam Division III)Ltd,
Marudhupathy,
Managiri Road,
Karaikudi-630 307.

... Petitioner

Vs.

1. G.Selvaraj

2. The Presiding Officer,
Labour Court,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the 2nd respondent relating to its order in I.D.No.99 of 2005, dated 29.10.2011 and quash the same.

For Petitioner : Mr.P.Athimoolapandian,
for M/S.A.K.Baskarapandiayan

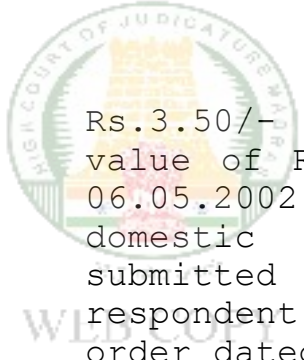
For R1 : Mr.H.Elango,
for Mr.S.Jawahar

R2-Labour Court

ORDER

The Management of the Tamil Nadu State Transport Corporation, Kumbakonam Division is the writ petitioner herein.

2.The first respondent was employed as Conductor in the petitioner Corporation. On 04.05.2002 while he was on duty, the Checking Inspector found out that he did not complete the invoice, even after the bus crossed the second and the third stage. It was alleged that the first respondent collected a sum of Rs.7/- from two passengers and issued two old tickets, bearing value of



Rs.3.50/- and he was also found in possession of old tickets for value of Rs.155/-. Therefore, he was suspended from service on 06.05.2002. He was issued with charge memo on 07.05.2002 and a domestic enquiry was also conducted. The Enquiry Officer submitted his report holding that the charges against the first respondent stood proved. He finally dismissed from service by order dated 02.07.2003.

3.Questioning the order of dismissal, the first respondent filed I.D.No.99 of 2005 before the Labour Court, Madurai. The Labour Court, Madurai by the impugned award dated 29.10.2011 set aside the order of dismissal and directed his reinstatement. However, back wages were denied. Questioning the award of the Labour Court, the Management filed this Writ Petition.

4.Heard the learned counsel on either side.

5.It is seen that the principal charge against the first respondent was that even though he collected fair amount from two passengers, he instead of issuing new tickets gave them used tickets. But then the original invoice was not completed during inspection. The cash bag was not verified. The Labour Court has given specific finding that the Management failed to verify certain important documents. The Enquiry Officer did not even peruse the ticket book. In these circumstances, the Labour Court arrived at a finding in favour of the workman. There are pure findings or fact. They have not been shown to be perverse.

6.In view of the above, there is no need to interfere with the award of the Labour Court. Accordingly, the writ petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court, Madurai.

+ 1 cc TO Mr.P.Natarajan , Advocate in SR No. 54991

GNS

AE/KKR/SAR2/04.06.2018/2P/3C

W.P. (MD) No.6983 of 2014

13.03.2018

(1/2)