

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27734 of 2010

V.Venkatesan

.. Petitioner

-vs-

1. The Presiding Officer,
Additional Labour Court,
Vellore.
2. The Management,
Tamil Nadu State Transport Corporation,
(Vizhupuram Division-II Ltd.)
Rangapuram, Vellore-632 009.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the impugned award dated 18.12.2009 passed in I.D.No.108 of 2001 by the first respondent and quash the same and consequently direct the 2nd respondent to reinstate the petitioner with continuity of service, backwages and all other attendant benefits.

For Petitioner : Mr.K.S.Ganesh Babu

For Respondents : R1 - Labour Court

: R2 - Mr.M.Vijayendra Kumar
For Mr.A.Antony Arockiaraja

ORDER

The award dated 18.12.2009, in I.D.No.108 of 2001 passed by the 1st respondent, Additional Labour Court, Vellore, is under challenge in the present writ petition.

2.The petitioner was employed as Conductor with the 2nd respondent Transport Corporation. A show cause notice was issued on 23.03.1999, with an allegation that on 04.03.1999, in the bus bearing Registration No.TN 23-N-0638, the petitioner had failed to issue tickets after receiving the ticket fare from 7 passengers, who boarded the bus at Thandraspattu to go to

Thiruvudathanur. Thus, there was a shortage of Rs.260.25 and a charge memo was issued to the writ petitioner. The writ petitioner submitted his explanation. A domestic enquiry was conducted. The Enquiry Officer submitted his report with a finding that the charges framed against the writ petitioner were held proved. A Second show cause notice was issued on 21.08.1999, and the writ petitioner submitted his explanation on 27.08.1999. Thereafter, the 2nd respondent Management issued punishment of termination, vide proceedings dated 09.09.1999. The writ petitioner raised an industrial dispute in I.D.No.108 of 2001. The Labour Court considered the issues and rejected the industrial dispute. Against the said award, the present writ petition is filed.

3.Perusal of the award reveals that the previous history of the writ petitioner was considered. The Labour Court made a finding that the writ petitioner had already committed similar offence of collecting fare and not issuing tickets to the passengers twice and on earlier occasions, the Management imposed lesser punishments. In spite of that, the writ petitioner had not changed his attitude and once again, committed the same misconduct of collecting fare from the passengers and not issuing tickets to them.

4.The Labour Court elaborately considered the documents filed by the Management as well as the workman and the evidences. The Labour Court arrived a conclusion that Ex.M2 is an afterthought and a story was created for the purpose of defeating and frustrating the domestic enquiry by the writ petitioner. This apart, the contention of the writ petitioner that there was no evidence to show that 7 passengers travelled in a group was not established. However, the documents filed before the Labour Court were considered with reference to the facts and circumstances as well as the probability. Considering the documents as well as the previous history with reference to the similar kind of misconducts committed by the writ petitioner, the Labour Court arrived a conclusion that the punishment of termination imposed by the 2nd respondent Management is appropriate and there is no perversity.

5.This Court do not find any acceptable ground for the purpose of reversing the findings of the Labour Court. Contrarily, the findings of the Labour Court are candid and convincing and there is no infirmity as such. Under these circumstances, this Court is not inclined to interfere with the award passed by the Labour Court.

6. Accordingly, the award dated 18.12.2009, passed in I.D.No.108 of 2001 is confirmed and consequently, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

abr

To

1. The Presiding Officer,
Additional Labour Court,
Vellore.
2. The Management,
Tamil Nadu State Transport Corporation,
(Vizhupuram Division-II Ltd.)
Rangapuram, Vellore-632 009.

+1cc to Mr.K.S.Ganesh Babu, Advocate, S.R.No.94976

+2cc to Mr.A.Antony Arockiaraja, Advocate, S.R.No.95535

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CS/17/12/2019

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