

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.A.NO.4264 OF 2019

The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Division - I) Ltd.,
Kumbakonam Railway Station New Road,
Kumbakonam - 612 001.

..Appellant

Vs

1. The Presiding Officer,
Labour Court, Cuddalore.

2. P.Balasubramanian

..Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 22.07.2019 passed in W.P.No.9281 of 2004.

W.P.No.9281 of 2004:- Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari to call for the records culminating in Award dated 14.08.2003 in I.D.No.85 of 1997 on the file of the 1st Respondent Presiding Officer, Labour Court, Cuddalore and quash the proceedings.

For Appellant : Mr.D.Venkatachalam
For Respondents : R1 - Court
No appearance for R2

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellant against the dismissal of the writ petition filed challenging the award dated 14.08.2003 in I.D.No.85 of 1997 by the Labour Court, Cuddalore.

2. The appellant issue a charge memo to the second respondent, who was employed as Conductor on the premise that though he collected Rs.0.80 each from two passengers, he had issued only two green colour blank papers instead of tickets. On

inspection, the misconduct of the second respondent was found and statement has been recorded from the passengers as well as from one Subramaniyan, being the Conductor of the appellant Corporation, who incidentally travelled in the same bus as a passenger.

3. The Labour Court, Cuddalore, passed the award in favour of the second respondent and found that the charges are not proved. An assessment of facts was made. Accordingly, the order of dismissal was set aside with the consequential order of reinstatement with continuity of service and attendant benefits along with 50% of back wages.

4. The learned Single Judge dismissed the writ petition after noting the fact that the second respondent did issue two tickets to the passengers and entries were made in the invoice. The witness examined on behalf of the appellant, by name, Subramaniyan said to have travelled in the same bus as a passenger has not been examined either before the enquiry officer or before the Labour Court. The said Subramaniyan was the conductor of the appellant. The driver of the bus and the Assistant Manager, who gave the complaint were also not examined. Accordingly, the writ petition filed was dismissed.

5. Learned counsel appearing for the appellant tried to reiterate the stand taken both before the Labour Court and before the learned Single Judge.

6. We do not find any merit in this appeal as we are concerned with the decision making process alone. Resultantly, there is no question of re-appreciation especially the Labour Court and the learned Single Judge have given clear and categorical finding on facts. Though it is submitted that the previous misconduct ought to have been taken into consideration, inasmuch as the charges by themselves not having been proved, the award of the Labour Court as confirmed by the learned Single Judge does not warrant interference.

7. The writ appeal stands dismissed accordingly. No costs. C.M.P.No.26588 of 2019 is closed.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssm

To:

The Presiding Officer,
Labour Court, Cuddalore.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.24241

W.A.No.4264 of 2019

RP (CO)
CS/22/06/2021



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