



W.P. No.19612 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM:

THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P. No.19612 of 2008

A.Purushothaman

.. Petitioner

VS.

1. The Presiding Officer,
Labour Court,
Vellore District.

2. The Management of
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division – II,
Vellore-9.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the 1st respondents pertaining to the Award passed in I.A.No.440/2000 dated 27.03.2008 and quash the same and consequently, direct the 2nd respondent to reinstate the petitioner with back wages, continuity of services and all other attendant benefits, Award cost.

For Petitioner : Mr.P.Vijendran

For Respondents : Mrs.S.Pavithra (for R2)
R1-Court



W.P. No.19612 of 2008

ORDER

WEB COPY The writ petition is challenging the order of termination passed by the Management.

2. The petitioner was working as a Conductor in the respondent Corporation. While he was on duty on 04.08.1995 as Conductor in the bus bearing Regn.No.TN23-N-0604 in Route No.444P/A, he committed the following offence as could be seen from the charge memo dated 18.08.1985.

- “a) On 04.08.1995, he allowed three passengers to travel without tickets in route No.444B.
- b) That he collected fare from a group of five passengers who were travelling from Padavedu to Santhavasal but issued tickets only to three passengers. He failed to issue ticket to one passenger and issued one ticket which was sold in the previous trip to another passenger.
- c) That he collected Rs.15/- from two passengers travelling from Padavedu to Vellore and issued the ticket to the previous trip.
- d) That he was having excess of Rs.52.20p
- e) Disobedience to rules and regulations of the Corporation.
- f) Misappropriation of funds of the Corporation.”

3. After charges have been framed, explanation on the charge memo has been called for. As the explanation submitted by the



W.P. No.19612 of 2008

petitioner herein found to be not satisfactory, in the departmental proceedings the enquiry officer, following the principles of natural justice, had held that the charges are proved.

4. After the charges have been proved, the respondent Corporation has made second show cause notice. The second show cause notice was issued based on the findings of the enquiry officer. The irregularities committed by the petitioner in his past service period, are as follows:

S.No.	Charge Memo & Date	Charges	Punishment
1	576/12485/L3/93 14.05.1994	Failed to take the passenger in the bus those who are waiting for the bus alone and made them to board in a Private bus.	Stoppage of Absorption for 6 months
2	8178/L5/93 23.06.94	Failed to fill up the invoice with correct particulars as well as failed to fill up the Nos. legibly in Traffic return	Strictly warned
3	12867/L6/94 31.07.95	Shortage of amount of Rs.112.10.	Fined Rs.25/-
4	9882/L6/94 31.07.95	Shortage of amount of Rs.121.85	Fined Rs.25/-
5	9914/L6/94 31.07.95	Shortage of amount of Rs.133.50	Fined Rs.25/-
6	12701/L6/94 25.08.95	Shortage of amount of Rs.131/-	Fined Rs.25/-
7	86/4862/L5/95 24.08.95	Shortage of amount of Rs.55.90	Fined Rs.20/-
8	5/398/L6/95 01.08.95	Shortage of amount of Rs.181.25	Fined Rs.30/-
9	9884/L6/95	Shortage of amount of Rs.135.20	Fined Rs.25/-



W.P. No.19612 of 2008

S.No.	Charge Memo & Date	Charges	Punishment
	25.08.98		
10	5/397/L6/95 20.12.95	Shortage of amount of Rs.108.70	Stoppage of increment for 1 year with cumulative effect
11	9992/L6/95 14.12.95	Shortage of amount of Rs.133.75	Fined Rs.25/-
12	9857/L6/95 27.02.96	Shortage of amount of Rs.109.85	Stoppage of increment for 6 months with cumulative effect
13	10042/L6/95 05.03.96	Shortage of amount of Rs.120.40	Stoppage of increment for 1 year with cumulative effect
14	234/52348/L8/95 11.03.96	Unauthorised absent from duty.	Stoppage of increment for 6 months without cumulative effect
15	406/57114/L5/96 29.08.96	Shortage of amount of Rs.73.35	Fined Rs.25/-
16	13983/L6/96 02.08.96	Shortage of amount of Rs.102.20	Fined Rs.40/-
17	355/22480/L5/96 08.09.96	Shortage of amount of Rs.60.65	Fined Rs.25/-
18	470/23062/L5/95 18.09.96	Shortage of amount of Rs.54.10	Fined Rs.25/-
19	122/1441/L5/95 07.02.97	Shortage of amount of Rs.52.70	Fined Rs.20/-
20	642/37180/L5/95 17.02.97	Shortage of amount of Rs.77.90	Fined Rs.25/-
21	92/4454/L6/97 30.04.97	Shortage of amount of Rs.107.70	Fined Rs.30/-
22	248/4609/L6/97 26.06.97	Shortage of amount of Rs.108.90	Fined Rs.30/-
23	279/4640/L6/97 18.07.97	Shortage of amount of Rs.141.40	Fined Rs.35/-



W.P. No.19612 of 2008

S.No.	Charge Memo & Date	Charges	Punishment
24	218/24882/L6/97 12.09.97	Shortage of amount of Rs.115/-	Stoppage of increment for 1 year with cumulative effect
25	214/4575/L6/97 21.06.97	Collected luggage fare but failed to issue ticket	Stoppage of increment for 3 years with cumulative effect
26	268/4629/L6/97	Shortage of amount of Rs.91/-	Stoppage of increment for 2 years with cumulative effect
27	466/22890/L6/97	Shortage of amount of Rs.109.80	Stoppage of increment for 1 year with cumulative effect
28	497/22921/L6/97	Shortage of amount of Rs.135.40	Stoppage of increment for 2 years with cumulative effect
29	524/8573/L5/97 21.06.97	Shortage of amount of Rs.60.30	Fined Rs.15/-
30	32/4494/L6/97	Did not take the trip in time – create a bad name among the public	Stoppage of increment for 1 year with cumulative effect
31	313/24933/L6/96	Shortage of amount of Rs.129.90	Stoppage of increment for 6 months without cumulative effect
32	731/31638/L5/97 25.09.97	Shortage of amount of Rs.107.90	Fined Rs.30/-

5. The antecedents of the petitioner has been placed before the Court numbering 32, out of which, for 29 times, there is irregularity of



W.P. No.19612 of 2008

'shortage of amount'. It appears that the petitioner has not amended his ways to correct himself and hence, a final show cause notice was issued on 24.12.1997 and thereafter, termination order has been issued.

6. The petitioner moved the tribunal in ID No.440 of 2000 under Section 2A(2) of the Industrial Disputes Act, seeking for the relief of reinstatement. Before the Labour Court, on the side of the petitioner, none were examined and no document was marked. The management has filed Ex.M.1 to Ex.M.13.

7. The Labour Court has observed that the domestic enquiry was conducted in a fair and proper manner and charges have been duly proved on the strength of the M2, M3, M4, M5 and M6 i.e., Ticket resale details, ticket issued details, passenger's statement, petitioner's statement and Way bill, respectively and accordingly, dismissed the IA. Hence, the writ petition.

8. Heard the learned counsel for the petitioner and perused the documents available on record.



W.P. No.19612 of 2008

9. It is seen from the evidence that the petitioner collected fare from the passengers, but issued the tickets sold in the previous trip and thereby misappropriated the amount as stated in the charge sheet. Furthermore, the statement of passenger and the petitioner [Ex.M4 & Ex.M5] and the Ticket resale details [Ex.M2], Ticket issued details [E.M3] and Way Bill [Ex.M6] would clearly demonstrate that the domestic enquiry has been conducted in a fair and proper manner.

10. Thus, the Labour Court has rightly held that the petitioner collected fare from the passengers and by issuing tickets sold in the previous trip, committed misconduct of misappropriation of money concerned. Further, he has already committed mischief of shortage of funds for 29 times and for such mischief, punishment was awarded upon him. In such situation, the order of termination of the service issued on 17.08.1998 by the respondent Corporation, cannot be said as invalid.

11. After hearing the learned counsel for the petitioner and also perusing Ex.M4 and Ex.M5, statement of the passenger and petitioner respectively and Ex.M2 and M3, the Ticket resale details and Ticket Issued details respectively, it is clear that the petitioner has committed



W.P. No.19612 of 2008

grave irregularities i.e. reissued the already issued tickets, by which he gained monetary benefits for himself and caused loss to the respondent-Corporation and misappropriated the Corporation's fund and has committed this mischief for 29 times. Thus, I do not find any irregularity in the order passed by the labour Court warranting interference and therefore, the writ petition stands dismissed. No costs.

20.07.2023

Index: Yes/No
Speaking/Non-Speaking Order
Neutral Citation: Yes/No.
ars

To

The Management of
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division – II,
Vellore-9.



WEB COPY



W.P. No.19612 of 2008

RMT.TEEKAA RAMAN, J.

ars

W.P. No.19612 of 2008

20.07.2023