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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **23.06.2023**

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THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No. 20978 of 2014

S.Rajendran (deceased)

2. R.Shyamala

... Petitioner

..Vs..

1. The Managing Director
State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai – 600 002.

2. The Presiding Officer
1st Additional Labour Court,
Chennai – 600 104.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent the award passed in I.D.No. 185 of 2008 dated 21.12.2012 and quash the same and direct the 1st respondent to grant all service and monitory beneits.

For Petitioner :: Mr. S.Geenasekaran

For 1st Respondent :: Mr. V.Karthikeyan
for Mr.S.Siva Subramani
Standing Counsel for SETC

**ORDER**

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The petitioner was working as Conductor on the roll of the Tamil Nadu State Transport Corporation.

2. The parties, for the sake of convenience, has been referred as workman and Management.

3. The workman joined the service of Tamil Nadu State Transport Corporation in the year 1987. He was dismissed from service on 30.12.1999. The reason for the dismissal is while was on route bus Chennai to Thiruvavarur, he was allotted tickets approximately around Rs.40,000/- for the trip. On reaching Mayavaram, he deposited the way amount collection. However, for the trip from Thiruvavarur to Chennai, he did not deposit "way collection" to the tune of Rs.1,800/- nor did he deposit the unsold tickets in his hands. For the purpose of retaining the tickets as well as the unpaid amount, charges were initiated against him. Explanation was given. It was not found satisfactory. Hence, an enquiry was ordered.

4. In the enquiry, a report was submitted saying that the charges have been proved and therefore, the second show cause notice was issued on 18.07.1999 and the reply not being satisfactory, he was dismissed from service on 30.12.1999.



5. The petitioner has raised 2-A dispute before the First Additional Labour Court at Chennai. The Labour Court found that the petitioner had not given any information to the Management regarding the collection he has made and that he has absconded. To that effect, a charge memo had been given on 29.03.1999. He would state that he went to deposit with the Branch Manager No.3 and the Branch Manager had refused to receive the same and therefore, he had retained a sum of Rs.1,860.60. The said amount is the collection that had been received by the workman while coming back from Thiruvavur to Chennai. On 01.02.1999 when he reported for work, a complaint was lodged and the amounts were recovered from him.

6. In other words, during the period 07.01.1999 to 01.02.1999, the amounts were lying only with the workman. There was no explanation from the workman before the enquiry officer or before the Labour Court or before this Court as to why he retained the amount. The amount which does not belong to the petitioner, if retained by him, even though for a short period of time, amounts to misappropriation. The petitioner, being a Conductor and that too of a State Transport Corporation is expected to deposit the amount immediately. If the Branch Manager had refused to receive the amount and he had axe to grind as against the workman, the



workman could have appealed against the said act to the superior authorities. The conduct of the workman in keeping quiet from 07.01.1999 till he was arrested on 01.02.1999 speaks volume about the hollow stories that he is stating out about a dispute between him and the Branch Manager. The Labour Court found the enquiry had been properly conducted and in any event appreciated the law and had come to the conclusion that the petition deserves dismissal.

7. I do not find any illegality or perverse with the order necessitating him to interfere with the order impugned.

8. The Writ Petition stands dismissed. No costs.

23.06.2023

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

To

1. The Managing Director
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Pallavan Salai, Chennai – 600 002.
2. The Presiding Officer
1st Additional Labour Court,
Chennai – 600 104.



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V.LAKSHMINARAYANAN, J.,

vsg

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