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W.P.No. 25804 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HON'BLE MS. JUSTICE R.N.MANJULA

W.P.No.25804 of 2010

and

M.P.No.1 of 2010 & M.P.No.1 of 2014

The Management,
Tamil Nadu State Transport Corporation (Salem)Ltd.,
No.12, Ramakrishna Road,
Salem – 636 007,
Represented by its General Manager ... Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Salem.

2. A.Karunanithi ...
Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records concerning with I.D.No.552 of 2004 dated 12.10.2009 on the file of the first respondent and quash the same.

For Petitioner	: Mr.M.Aswin
For R1	: Labour Court, Salem
For R2	: Mrs.V.Porkodi
	for Mr.R.Krishnaswamy



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ORDER

This Writ Petition has been filed to call for the records pursuant to the order dated 12.10.2009 passed in I.D.No.552 of 2004 on the file of the first respondent and quash the same.

2. The industrial dispute has been raised by the second respondent who has been working as a Conductor in the petitioner/Transport Corporation, by challenging the order of termination.

3. Learned counsel for the petitioner submitted that the second respondent has proceeded departmental proceedings with charges of misappropriation for having issued 18 tickets each value at Rs.3.50p, despite the fair at the rate of Rs.3.75p, totalling Rs.67.50p. On this ground, the petitioner was subjected to disciplinary proceedings and on conclusion of the same, he was imposed with the punishment of termination.

4. Learned Presiding Officer, Labour Court, Salem has given a



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finding that the second respondent had issued the ticket denomination of Rs.3.50p, instead of Rs.3.75 due to negligence and not with an intention to commit any misappropriation. The Labour Court observed that as per the statement of the driver who has given statement that the passengers, on the alleged date of inspection, made by the Checking Inspector had boarded the bus, at the curve in between Mottur to Eachampatti by stopping the bus. As the said curve is not a stage and the stage for the ticket value of Rs.3.75 has crossed, it appears that the petitioner has given Rs.3.50 valued ticket. But, every thing would have been fine, had the second respondent collected the amount by charging only Rs.3.50p for each ticket. The statement of the passengers which is available on record, would state that the second respondent had collected Rs.67.50p for 18 persons, which represents for Rs.3.75p each. The reason for the mismatch between the ticket price and the collection as pleaded by the second respondent is due to negligence and not intentional.

5. Having seen the supporting statement of the driver of the bus, the Court has concluded that it is not an act of misappropriation but only



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an act of negligence. As a lesser charge made out, the Labour Court has proceeded to pass Award by directing the Management to reinstate the second respondent, however by reducing 75% of the back-wages. In the given facts and circumstances and the materials appreciated by the Labour Court, the reasons given by the Labour Court are fair and proper.

6. The whole dispute has raised for misappropriating Rs.4.50 which being 25paise extra each and totally for 18 persons. Since the amount is too small, it would not have been possible for the Conductor have thought something and had done some other thing. He would have thought that the stage is only Rs.3.50 ticket price, but he collected at Rs.3.75 each , which in the opinion of the Labour Court is only a miscalculation and negligence. The Labour Court has rightly cut 75% of the wages for the negligence committed by the second respondent. By considering the fact that the second respondent has already reached superannuation and that he has not been given any other charges till his superannuation, this Court feels that the impugned Award of the Labour Court need not be interfered.



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7. In the result, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The Presiding Officer,
Labour Court, Salem.



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R.N.MANJULA, J.

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