



W.P.No.3375 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.3375 of 2020

and

WMP.No.3925 of 2020

V.Balu

... Petitioner

Vs.

The Management,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram,
Vellore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 06.11.2019 in I.A.No.271/2017 in I.D.No.20/2017 passed by the Principal Labour Court, Vellore, quash the same and direct the learned Principal Labour Court, Vellore, to decide the I.D.No.20/2017 under Section 11A of the I.D. Act, on merits both with regard to the charges and with regard to the punishment without reference to the findings given in the impugned order with regard to the merits of the charges and thus render justice.



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For Petitioner : Ms.V.Porkodi for
Mr.V.Ajoy Khose

For Respondent : Mr.M.Aswin, Standing Counsel

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ORDER

This writ petition is filed to call for the records pertaining to the order dated 06.11.2019 in I.A.No.271 of 2017 in I.D.No.20 of 2017 passed by the Principal Labour Court, Vellore quash the same and direct the learned Principal Labour Court, Vellore, to decide the I.D.No.20 of 2017 under Section 11 A of the I.D. Act, on merits both with regard to the charges and with regard to the punishment without reference to the findings give in the impugned order with regard to the merits of the charges and thus render justice.

2.The petitioner joined the service of the respondent Corporation as a Conductor on 10.02.1992 and was made permanent on 18.10.1992. On 06.06.2015, the petitioner was assigned duty in Route No.303E plying between Chennai and Hosur. When the bus was checked at Vaniyambadi Bypass, the Checking Inspector found that the petitioner had sold two tickets to



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two passengers, but failed to issue tickets to them, they also found that there was a shortage of amount in the cash bag. The petitioner was therefore placed under suspension on 08.06.2015. Thereafter a charge memo was issued to which the petitioner replied and after enquiry, the Enquiry Officer submitted his report finding that the charges were proved. During the enquiry proceedings the petitioner's suspension order was revoked and he joined duty. The second show cause notice was issued on the basis of the Enquiry Report calling for explanation on the proposed punishment. As the explanation offered was found unsatisfactory, the petitioner was dismissed from service vide order dated 12.09.2016. Thereafter the petitioner raised a dispute which was registered in I.D.No.20 of 2017. On 02.11.2017, the petitioner filed an I.A.No.271 of 2017 under Section 11 (A) of the I.D. Act r/w Rule 35 of the Tamil Nadu I.D. Rules to decide the fairness and validity of the domestic enquiry conducted by the respondent as a preliminary issue. On 06.11.2019, the Labour Court passed the order in I.A. holding that the enquiry was held in a fair and proper manner. Aggrieved by the order passed by the Labour Court in I.D.No.271 of 2017, the petitioner has filed the above writ petition.



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3.The learned counsel for the petitioner submits that he is only aggrieved by the finding in paragraph No.11 and therefore prays that this Court may clarify that the finding in paragraph No.11 will have no bearing while considering the main dispute. The relevant paragraph No.11 is extracted as under.

“11) The petitioner admitted that the said two passengers had boarded in the bus without his knowledge. Even though he had further explained that they did not tender any fare, it is the duty casted upon him to verify the passengers boarding into the bus. It is not his case the bus was over crowded by that time or due to any other special circumstances he was unable to notice it. Further in connection with the another charge namely the excess cash of Rs.13/- is said to be found in his cash bag, the objection of the petitioner that it is not mentioned in the 1st Spot Memo seems to have any force. Only after verifying the tickets already issued by him and by calculating the fare of each tickets and other things the checking officials can ascertain the amount kept in the petitioner cash bag whether tallies with the tickets already issued by him. Further the petitioner himself offered different explanations as once it was stated by him that only Rs.5/- was excess in his bag and subsequently he had stated in the Ex.R12 reply dated



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23.06.2016 that a passenger had tendered Rs.100/- instead of Rs.70/- as ticket fare and he collected the balance amount from the petitioner only after the bus reached Hosur.”

4.On a reading of the said Para, I find that the Labour Court has ventured into the merits of the charges and therefore the apprehension of the petitioner is justified. Hence, the Labour Court is directed to pass orders on merits, in accordance with law and without being influenced by the finding given in paragraph No.11 above.

5.The writ petition is therefore disposed of with the above direction. The learned counsel appearing for the petitioner prays that the Labour Court may be directed to decide the Industrial Dispute within a time frame stipulated by this Court. Considering that the dispute is of the year 2017, a direction is issued to the Labour Court to consider the main Industrial Dispute as expeditiously as possible. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

06.02.2024

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order



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- ah
- To
- 1.The Presiding Officer,
Principal Labour Court,
Vellore.
 - 2.The Management,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region,
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N.MALA, J.
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