



W.P.No.6624 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.6624 of 2015

&

M.P.No.1 of 2015

S.Mohamed Ansari

...petitioner

Vs.

1.Tamilnadu State Transport
Corporation (Coimbatore) Ltd.,
Rep. by its General Manager,
Erode Region,
Chennimalai Road,
Erode.

2.The General Manager,
Tamilnadu State Transport
Corporation (Coimbatore) Ltd.,
Tirupur Region, Tirupur.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ in the nature of certiorari and mandamus after



W.P.No.6624 of 2012

calling for the records pertaining to the order dated 27.06.2012 in

Pa.No.1/D7/484/Chattam/TNSTC/E.R/2011 passed by the 1st

respondent, quash the same and consequently, direct the respondents

to refund the amounts already recovered from the petitioner monthly

salary with interest at the rate of 12% per annum, award costs.

For petitioner : M/s. V.Porkodi
for Mr. R.Krishnaswamy

For Respondents : Mr. M.Murali Vinodh
Standing Counsel.

ORDER

The petitioner had been imposed with a punishment of recovery of money for loss of tickets which has been entrusted to the petitioner.

The petitioner was employed as a conductor with the 1st respondent Corporation.

2. The petitioner would submit that when he was proceeding from Tirupur to Madurai, he had lost the unused ticket bundle



W.P.No.6624 of 2013

numbering 54, when the bus had stopped at the Dharapuram bus stand and the petitioner and his driver had gone to answer nature's call. The petitioner had immediately lodged a complaint to the Dharapuram Police Station and on the very same day i.e., 26.10.2011 a non-traceable certificate has also issued to the petitioner. The petitioner had also informed the management about the loss due to the theft.

3. The petitioner would submit that the respondent had issued a show cause calling upon the petitioner to offer his explanation within 3 days since act of losing tickets would amount to misconduct under standing order. The petitioner submitted his explanation explaining how he lost the tickets. However, dissatisfied with the explanation, an enquiry was ordered, wherein, the petitioner had clearly explained that the ticket books were lost due to theft.

4. Despite which the petitioner was held guilty of the charges and ultimately imposed a punishment of recovery of a sum of



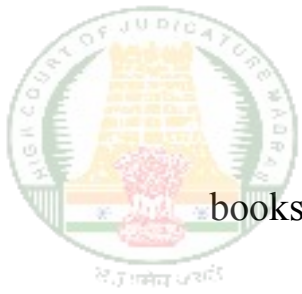
W.P.No.6624 of 2015

Rs.87,990/- from out of his salary in 60 equal instalments.

Challenging the same, the petitioner had filed the above Writ Petition.

5. In the course of the arguments, the learned counsel for the petitioner would submit that settlement had been arrived at under Section 12 (3) of the Industrial Disputes Act, 1947 by the Workers' Union with the Management. Clause 29 of the said order clearly stipulates that no recovery can be ordered against the employee if there is a loss of tickets due to rioting, accident or theft provided a complaint has been immediately lodged.

6. The learned counsel would submit that this standing order had been referred to and quoted with approval by the Division Bench of this Court in the Judgement reported in **2008 (1) MLJ 224 – Management of Rani Mangammal Tansport Corporation Ltd., Vs. M.Palanisamy**, to quash the order passed by the Management ordering recovery of money from the conductor for the loss of ticket



books.

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7. Heard the learned counsels and perused the records.

8. In the light of the standing order referred to by the learned counsel for the petitioner and the Judgement reported in **2008 (1) MLJ 224 – Management of Rani Mangammal Tansport Corporation Ltd., Vs. M.Palanisamy**, the proceedings intimated in the instant case has to necessarily be quashed. The Hon'ble Division Bench has observed as follows:

“In fact, subsequently in 1995 settlement namely clause 29 of the said settlement makes it clear that in the event of loss of ticket books is reported by way of complaint to the police and such loss had occurred due to accident, theft or robbery, no recovery should be made from the concerned Conductor.”

9. Therefore, the Writ Petition is allowed and the impugned order is quashed. The 1st respondent is directed to refund the amount collected from the petitioner within a period of 4 weeks from the date of receipt of a copy of this order. Consequently, the connected



W.P.No.6624 of 2013

miscellaneous petition is closed. No costs.

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12.06.2024

Index : Yes/No
Internet : Yes/No
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W.P.No.6624 of 2015

P.T. ASHA, J,

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W.P.No. 6624 of 2015



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W.P.No.6624 of 2013

12.06.2024