



W.A(MD)No.1788 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.1788 of 2024
and
C.M.P.(MD)No.13621 of 2024**

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kum) Ltd.,
Division-III,
Karaikudi Region,
Maruthupathi,
Managiri,
Karaikudi-630 307.

... Appellants / Respondents

-vs-

K.Kannadhasan

... Respondent/ Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 27.04.2023 in W.P.(MD)No.6529 of 2019.

For Appellant : Mr.S.C.Herold Singh

For Respondent : Mr.SP.Vijaynivas



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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The challenge in this writ appeal is to the order of the writ Court made in W.P.(MD)No.6529 of 2019.

2. The writ Court had allowed the said writ petition filed by the workman on the ground that the delinquency alleged, namely, production of false education certificate has not been proved by the Corporation. The writ Court has modified the punishment of dismissal from service into one of compulsory retirement and directed payment of the emoluments that the petitioner in the writ petition would be entitled to.

3. Mr.S.C.Herold Singh, learned counsel appearing for the appellant corporation would vehemently contend that once it is found that the education certificate is not genuine, the Court ought not to have modified the punishment.

4. This issue is no longer *res integra*. Several employees of this corporation, challenged the proceedings accusing them of production of false certificates and in one such case, this Court directed reinstatement of the employee in W.A.(MD)No.600 of 2010. The said order was challenged before the Hon'ble Supreme Court and the SLP was dismissed. The



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Division Bench while disposing of the appeal had categorically held that unless the corporation is able to show positively that the certificate is not genuine, imposition of punishment on the ground of production of false certificate cannot be sustained.

5. The learned single Judge has only given the benefit of doubt to the employee, since the Headmaster of the school who was examined has said he could not recollect as the records are not available. The respondent has joined the services of the corporation in 1997 and had worked till his retirement on 02.02.2019. In the absence of proof of bogusness of the certificates, it would be improper to sustain the punishment of dismissal from service.

6. We therefore, do not find any reason to interfere with the order of the writ Court. The Writ Appeal fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC :Yes/No

Index :Yes/No

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