



WEB COPY

WP No. 24173 of 2006



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 24173 of 2006

1. The Management Of Tamil Nadu
State Transport Corporation,
Kumbakonam, Division (i) Ltd., Rep.
By Its General Manager, Railway
Station New Road, Kumbakonam - 612
001.

Petitioner(s)

Vs

1. The Presiding Officer,
Labour Court, Cuddalore.

2.R. Kathaperumal (deceased),
Ex-conductor - Staff No. 84 Cr 101,
S/o. Ramaswamy Pillai, Kizvelur,
Nagapattinam Taluk, And District.

3.Rajalakshmi,
W/o. R.Kathaperumal, Kizvelur,
Nagapattinam Taluk, Nagapattinam
District.

4.Anandhan,



S/o. R.Kathaperumal, Kizvelur,
Nagapattinam Taluk, Nagapattinam
District.

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5.Hariharan,
S/o. R.Kathaperumal, Kizvelur,
Nagapattinam Taluk, Nagapattinam
District. (R3 TO R5 Substituted as LRs
of the deceased second respondent vide
order dated 05.04.2023 made in
W.M.P.No.19150 of 2021 in
W.P.No.24173 of 2006)

Respondent(s)

PRAYER

This writ petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorari calling for the records relating to the order of the 1st respondent made in I.D.No.33 of 2001 dated 18.04.2005, and quash the same.

For Petitioner(s): No Appearance

For Respondent(s): M/s. G.Purushothaman, For R3
To R5
Court - R1

ORDER

This writ petition has been filed to quash the order of the 1st respondent made in I.D.No.33 of 2001 dated 18.04.2005.



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2. It is the case of the petitioner that the second respondent deceased was a Conductor in the petitioner Corporation with effect from 04.05.1984 and had a continuous record of service for more than 16 years. However, the checking inspector found one lady passenger was travelling without a ticket. Since she was not having enough money, she failed to pay the ticket charges and also the fine amount imposed by the checking inspectors and stated as if she had paid the ticket charges to the second respondent and also said that the second respondent had not issued the ticket. Whiles, a charge memo dated 26.04.1999 was issued to the second respondent. Since the explanation given by the deceased was not satisfactory, the management ordered for a domestic enquiry. Subsequently, a second show cause notice dated 29.06.1999 was furnished. Thereafter, the management passed an order of dismissal on 02.02.2000. Against which the second respondent preferred an Industrial Dispute in I.D.No.33 of 2000, however, the first respondent vide order dated 18.04.2005 ordered for reinstatement with continuity of service and 50% backwages and other benefits. Challenging the same, the present writ petition has been filed.



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3. Though the notice was served on the petitioner, no one appeared on their behalf. Considering the period of pendency of the present writ petition, the same is taken up for final disposal based on the materials available on record.

4. The learned counsel for the respondents 3 to 5 submits that during the pendency of the writ petition the second respondent died in the year 2018, however, he retired from service during 2010. Till then the second respondent was paid with 17B wages. Hence, this Court may pass appropriate orders.

5. Heard the learned counsel for the respondents 3 to 5 and perused the materials placed on record.

6. On a perusal of the records reveals that though the management has claimed that the second respondent has collected a sum of Rs.21/- from the lady passenger and refused to return the ticket to the said passenger, however, the said passenger or any other witness not examined before the Labour Court. In the absence of any such evidence, this Court is not inclined to interfere with the



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award only insofar as 50% backwages is concerned. Considering the fact that the second respondent died in the year 2018 and had retired in the year 2010, ordering for reinstatement at this point of time would not be feasible. Hence, this Court directs the petitioner management to pay 50% backwages to the legal heirs of the deceased from the date of dismissal till the date of superannuation after deducting the 17B wages with all other statutory benefits within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observation and direction, this writ petition is disposed of. No costs.

12-02-2025

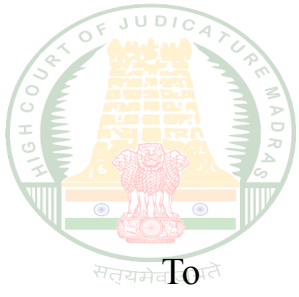
RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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M.DHANDAPANI J.

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