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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.3426 of 2022
and WMP.No.3537 of 2022

The General Manager,
Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Division,
Kancheepuram District – 603 301.

... Petitioner

Vs

P. Ravichandran

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order passed by the Presiding Officer, Labour Court, Kancheepuram dated 27.06.2019 made in I.D. No.267 of 2018 and quash the same.

For Petitioner : Mr.M.Aswin
For Respondents : Mr.S.Ravi

ORDER

This petition has been filed by the petitioner to quash the order passed by the Presiding Officer, Labour Court, Kancheepuram dated 27.06.2019 in I.D. No.267 of 2018.



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2. The short facts necessary to dispose of this Writ petition are as follows:-

The respondent was appointed as a conductor in the petitioner corporation on 19.07.2007. While so, on 02.10.2014 when he was on duty in route no.222D/E, bearing registration no.TN-21 N 1368, he did not issue ticket to the passenger who boarded the bus at Trichy and was travelling to Guduvancherry, after collecting a fare of Rs.170/-. To that effect, the checking inspector also filed a report dated 02.10.2014, along with the statement given by the respondent. The passenger, namely Ms.S.Swathi, also given a letter to the petitioner regarding the act of delinquency committed by the respondent. Based on the said report, the respondent was suspended through an order dated 06.10.2014, and thereafter the said suspension was revoked on 04.11.2024. The said act of the respondent of not issuing a ticket to the passenger amounts to misappropriation and misconduct, and thereby a charge memo dated 30.10.2014 was issued to the respondent stating that he had not issued a ticket to the passenger and thereby misappropriated a sum of Rs.171/- and also possessed an excess amount of Rs.100/- in the cash bag on 02.10.2014. The respondent also gave an explanation on 25.10.2014 and pleaded guilty to the misconduct,



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alleging that he was upset due to the death of his maternal uncle and also fault with the electronic ticket printing machine. A domestic enquiry was conducted after affording the opportunity to the respondent and thereafter, the enquiry officer filed his enquiry report dated 01.07.2015 stating that charges against the delinquent were proved. Thereafter, the respondent was served with a notice dated 10.07.2015 after furnishing a copy of the enquiry report and calling upon him for further explanation, which he failed to give any reply. Again, a show cause notice was sent to him on 12.11.2015, and he also admitted his misconduct, stating that due to his family problems and ill health of his son, the mistake occurred. Thereafter, the disciplinary authority passed the order dismissing the respondent from service. Against the dismissal order, the respondent raised an Industrial Dispute in I.D.No.267 of 2018 before the Presiding Officer, Labour Court, Kancheepuram and the Labour Court passed award by setting aside the order of dismissal and directed the management to reinstate the workman by imposing punishment of withholding three annual increments with cumulative effect and without backwages. Aggrieved by the said order, the present writ petition has been filed.



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2. The learned counsel appearing for the petitioner would submit that the respondent, being a conductor, committed misappropriation while he was on duty on 02.10.2014. He did not issue a ticket to the passenger who boarded the bus at Trichy and was travelling to Guduvanchery, after collecting the fare of Rs.170/- and also he possessed an excess amount of Rs.100/- in a cash bag, and thereby the domestic enquiry was conducted and charges were proved against the respondent. Thereafter, the disciplinary authority awarded the punishment of dismissal from service, and the same was challenged before the Labour Court, Kancheepuram. The Labour Court without appreciating the facts of the case, erroneously set aside the dismissal order and directed the petitioner corporation to reinstate the respondent into service, imposing the punishment of withholding three increments with cumulative effect and without backwages. The charges against the petitioner are grave in nature, therefore, the Labour Court ought not to have set aside the order of dismissal from service. Therefore, the order passed by the Labour Court is liable to be set aside.

4. The learned counsel appearing for the respondent would submit that the respondent was joined duty as a conductor in the petitioner corporation on 19.07.2007. He was suspended from service on 06.10.2014



on false charges and thereafter it was revoked on 04.11.2014. Thereafter, the domestic enquiry was conducted without following the principles of natural justice and the enquiry officer rendered erroneous findings. Thereafter, the disciplinary authority dismissed the respondent from service and thereby, he challenged the same by raising an Industrial Dispute before the Labour Court, Kancheepuram. Before the Labour Court, Kancheepuram he was examined as WW1 and marked Ex.W.1 to W.10. On the side of petitioner corporation, no oral or documentary evidence was adduced. Therefore, the Labour Court after considering the evidences adduced on the side of the workman set aside the punishment of removal from service and the same was modified as punishment of withholding three annual increments with cumulative effect and without backwages. Therefore, the order passed by the Labour Court is a reasoned order, and thereby the present writ petition is liable to be dismissed.

5. This Court heard both sides and perused the materials available on record.

6. In this case, it is an admitted fact that the respondent was working as a conductor in the petitioner corporation and faced charges for



delinquency after receiving bus fare of Rs.171/- from one of the passengers without issuing a ticket. At the time of checking, in the money collection bag, a sum of Rs.100/- was found in excess. Thereafter, an enquiry was conducted and the respondent also participated in the domestic enquiry, and he cross examined the management side witnesses. Sufficient opportunity was given to the respondent in the domestic enquiry. As per the enquiry report, the charges were proved. As per the evidence and the report of the checking inspector there was an excess amount of Rs.100/- found in the collection bag and that no ticket was given to a lady who travelled from Trichy to Guduvancherry for Rs.171/-. The delinquent also stated through Ex.M2 stated that he had received information that his maternal uncle, who was on pilgrimage to Kasi, had died, due to which, he lost concentration in his duty.

7. In the domestic enquiry, management side witnesses were not cross examined by the delinquent side and the evidence adduced by the management that there was an excess of Rs.100/- in the collection bag and a ticket was not issued to one of the passenger for Rs.171/- therefore the charges were proved. The Labour Court also in the order elaborately discussed about the evidence adduced by both sides and fairly came to the



conclusion that the charges were proved against the delinquent. However, the punishment awarded by the disciplinary authority is disproportionate and due to the death of his maternal uncle, while on pilgrimage to Kasi, the respondent was unable to concentrate on his work. Taking into consideration of the above said mitigating circumstances, it was concluded that punishment of dismissal was disproportionate and imposed the punishment of withholding three annual increments with cumulative effect and without backwges. Therefore the order passed by the Labour Court is based on the evidence and there is no warrant to interfere with the award passed by the Labour Court.

8. In view of the above said discussions, this Court is of the opinion that this petition has no merits and deserves to be dismissed. According, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.06.2025

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P.DHANABAL, J.,



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