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W.P.No.12543 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 12543 of 2021

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W.M.P.No. 13322 of 2021

The Management,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Cuddalore Region,
Cuddalore
Rep. by its General Manager ...Petitioner

Vs.

V.Selvamani ...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the Presiding Officer, Labour Court, Cuddalore, made in ID.No.45 of 2017 dated 12.09.2019 and to quash the same.

For Petitioner : Mr. M.Aswin



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For Respondent : Ms. V.Porkodi

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ORDER

The Transport Corporation is the Writ Petitioner before this Court seeking to quash the award passed by the Labour Court, Cuddalore.

2. The petitioner management would submit that the respondent had joined their services on 23.06.2012 as a conductor. The respondent was assigned duty in the bus bearing TN 32 N 2431 in route No.T44 lying between Kattumannarkovil to Vadalur. It was found that the respondent had misappropriated funds of the Corporation using ingenious methods like collecting the fare but not issuing tickets thereby causing loss to the management.

3. During a surprise check conducted in the said bus it was found that 14 passengers traveling from Lalpettai to Koolapadi were not given tickets but the fare was collected at the rate of Rs.4/- per passengers



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and in the cash bag the respondent was possessing Rs.45/- in excess of the collection amount. The respondent who was caught red handed confessed to the misappropriation and signed a confession letter in his own hand. Based on the report of the Checking Inspector the respondent was initially suspended and a charge memo dated 21.06.2016 was issued for the above misappropriation.

4. The respondent submitted his explanation which was not found satisfactory. The petitioner therefore appointed an Enquiry Officer and the Enquiry Officer concluded the charges proved. The respondent had also participated in the procedure. Ultimately, after following the procedure of issuing show cause notices, the petitioner by order dated 15.10.2016 passed an order of dismissal along with a month's salary of Rs.7,800/-.

5. In the Industrial Dispute the respondent had filed a memo dated 06.09.2019 before the Labour Court admitting the charges made against him and prayed for reinstatement without backwages. The



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Labour Court totally overlooking the confession of the respondent and only on the basis of the memo reinstated the workman without backwages.

6. Challenging the same the petitioner is before this Court.

7. It was fairly conceded by the learned counsel for the respondent that on merits the workman did not stand chance as he has himself confessed to the misconduct. It is further brought to the notice of the Court that the respondent had passed away. However, the learned counsel would pray that the gratuity amount be paid to him.

8. The learned counsel for the petitioner would submit that the deceased workman was not entitled to gratuity as he had not put in requisite number of working days.



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9. However, a perusal of the records would indicate that he had put in over five years of continuous service. Therefore, he is entitled to gratuity.

10. Therefore, the Writ Petition is disposed off with a direction to the petitioner to pay a gratuity amount to the legal heirs of the deceased respondent within a period of 4 weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.

12.06.2025

Index : Yes/No
Internet : Yes/No

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The Presiding Officer,
Labour Court,
Cuddalore.

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P.T. ASHA, J.



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