



W.P.No.26310 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.26310 of 2015

Tamil Nadu Transport Corporation Ltd.,
Villupuram Division,
The General Manager,
Vellore Region,
Vellore.

... Petitioner

Vs.

1.The Principal Labour Court,
Vellore.

2.C.Raja

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the order passed by the 1st respondent in I.D.No.158 of 2014, dated 28.01.2015 and quash the same as illegal.

For Petitioner : Mr.Aswin

For Respondents : Labour Court [R1]
No appearance [R2]

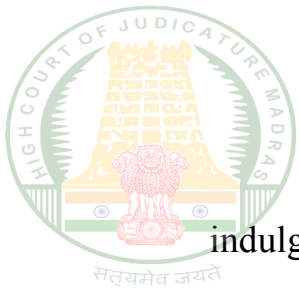


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ORDER

WEB COPY Questioning the legality and correctness of the order passed by the Principal Labour Court, Vellore, in I.D.No.158 of 2014, dated 28.01.2015, the present writ petition has been filed.

2. The case of the petitioner/management is that, the The respondent/workman joined the services of the petitioner/ management on 01.04.2007 as conductor. On 24.01.2010, the management asked the workman to take a trip from Vellore to Chennai. It is the case of the management that the workman collected ticket charge of Rs.84 from 14 passengers but did not issue them ticket. The workman had also not made any entries in the trip sheet and close the stage. The said 14 passengers boarded at Walajah and ticket checker boarded at Kaveripakkam. The distance between the two places is approximately 11 kms. It is the case of the management that the workman did not issue ticket and tried to profit himself by not issuing tickets. Further, when his cash bag was checked, it was found that there was an excess amount of Rs.158/- than the amount collected by him for selling the tickets. Hence, charges were framed against the workman and a domestic inquiry was conducted. In the said inquiry, charges were held to be proved and since the workman had



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indulged in same kind of behaviour on an earlier occasion also, he was terminated from service. Challenging his termination, the workman has raised an industrial dispute before the Labour Court, Vellore. Before the Labour Court, the workman examined himself and no document was marked. On the side of the respondent, one witness was examined and 12 documents were marked. The Labour Court on an analysis of both oral and documentary evidence, directed the petitioner to reinstate the workman into service with back wages, continuity of service and all other attendant benefits. Impugning the same order, the petitioner management has filed the present writ petition.

3. Learned counsel appearing for the petitioner vehemently contended that this is a case of clear misappropriation, in that, the workman was found have had Rs.158/- in excess of the money collected by selling tickets. Moreover, the workman tried to instigate the fellow passengers to create a scene by shouting at the ticket collector so that he will get a chance to erase the evidence. Further, the department has produced string of documents, to show that the workman has indulged in misconduct and tried to misappropriated government funds. Though the distance between Walajah and Kaveripattinam was around 11 k.m., and



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the workman had ample time to distribute ticket, he failed to distribute

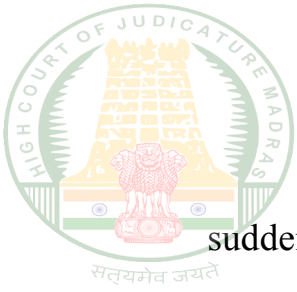
the tickets to 14 passengers who boarded the bus at Walajah. The

workman has got the amount collected for the bus for himself and not issued tickets to them. This clearly shows that the attempt of the workman was only to misappropriate the funds. Hence, he submitted that the Labour Court ought not to have ordered reinstatement with backwages along with continuity of service and other attendant benefits.

4. Heard the learned counsel for the petitioner and also perused the materials available on record.

5. This Court has to consider “whether the non-issuance of tickets to 14 passengers would amount to misappropriation by the workmen, when the workmen has clearly deposed in evidence as to why he could not distribute the tickets.”

6. The Labour Court has taken into consideration, the evidence adduced by both the sides, more particularly, the evidence of the workman who examined himself. The workman has clearly state that he was working as conductor of a locally operated government bus. All of a



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sudden, on 24.01.2010, he was asked to operate the bus between Vellore to Chennai, which is recorded as a long trip. It is clearly admitted by both sides when the bus was heavily crowded at that time. The workman has stated that the 14 passengers boarded bus at Walajah and the bus too crowded and passengers got boarding at every bus stage, he could not easily distribute tickets to each one of them.

7. The workman has clearly stated that he has to issue multiple for a single passenger because of low denomination city ticket that he was in possession off. Therefore, there was a practical difficulty for the workman to issue tickets to each passengers; coupled with the fact that the bus was too crowed and there was no place for the workman to move freely and distribute the tickets to each passengers.

8. The role of a conductor in a bus plying locally and long distance would be different. Issuing tickets in a long distance bus requires special skills. In a local bus, the general practice adopted by the conductors is that they would stop the bus before the mandatory closing of trip sheets at each stage comes. The passengers travelling in local are accustom to such stage and there would not be any disturbance even if the bus is

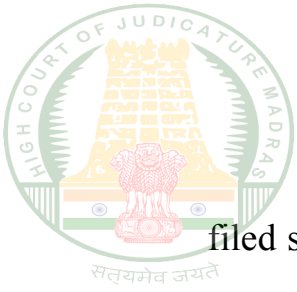


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stopped. However, the ming set of passengers in a long distance bus would be different and they would not accept the bus being stopped before every stage for issuance of tickets. The department has accepted that the workman was a conductor in local government bus. All of a sudden, he was deputed for long distance bus. Therefore, there is nothing suppressing that the workman found difficult to adjust to the sudden change of circumstances. The evidence adduced by the workman in this regard is quite convincing and acceptable.

9. As regards the charge of excess money, the workman has clearly stated that it was his own money and he had kept change to be given to the passengers. The management has also accepted that he does not have the habit of giving reserve change to the conductors. Therefore, the workman cannot be saddle with the charge of misappropriation. This Court is in complete agreement with the reasons adduced by the workman before the Labour Court for reinstating the workman with backwages and continuity of service.

10. It is now represented that the workman has attained the age of superannuation pending the writ petition. The petitioner management has



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filed stay petition and this Court was pleased to stay the impugned order.

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The workman has filed a petition to vacate the stay and another petition to pay the last drawn wages by order dated 28.04.2016, this Court had directed the petitioner management to pay the last drawn wages till the disposal of the writ petition and the said arrangement is continued as on date. Since this Court is confirming the award passed by the Labour Court, the petitioner is directed to settle the entire terminal benefits to the workman without backwages, since the petitioner management has already paid the wages in terms of Section 17-B of the I.D. Act to the workman. However, the workman is entitled for continuity of service and all other attendant benefits.

11. With the above observations and directions, this Writ Petition is dismissed. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

The Principal Labour Court,
Vellore.

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