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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.5419 of 2022
and WMP.No.5508 of 2022

The Management,
Tamil Nadu State Transport
Corporation (Kovai Division) Limited,
No.37, Metupalayam Road,
Coimbatore – 641 043.

... Petitioner

Vs

General Secretary,
Arasu Pokkuvarathu Driver,
Conductor, Technical Staff Thozhil Sangam,
Registration No.1443/14/Kovai,
No.4/562-A Rajeev Gandhi Nagar,
Karamadai Road,
Mettupalayam – 641 301.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records in I.D.No.52 of 2018 on the Principal Labour Court, Coimbatore dated 11.01.2021 and quash the same.

For Petitioner : Mr.A.Sundaravadhanan

For Respondent : Notice served -
No Appearance



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ORDER

This petition has been filed to quash the order passed by the Principal Labour Court, Coimbatore in I.D.No.52 of 2018 dated 11.01.2021.

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

The respondent Union Member M.Gurusamy was working in the petitioner corporation as a conductor. While so, on 11.05.2015, when he was proceeding in the bus bearing Registration No.TN38 N 1796 of the Annur branch, the checking inspector boarded the bus at Karumatthampatti at about 5.05 p.m. During the inspection, they found that there were 5 ½ passenger in the bus, but the passenger ticket book accounted for only 4 ½ passengers. He also received Rs.30 as ticket charges from a passenger who was traveling from Tirupur to Karamadai but issued a ticket for Rs.24, which was not registered in the ticket register. When the same was questioned by the checking inspector, he did not give proper explanation, for that a charge memo dated 20.05.2015 was issued to the respondent and he did not offered any explanation. Thereafter, on 25.05.2015, he submitted an application requesting the issuance of a basic complaint, and the said complaint was also



sent to him on 29.05.2015. Thereafter he did not submit any explanation.

Subsequently, the respondent was issued a final order dated 16.06.2015 stating that the period of suspension from 25.05.2015 to 16.06.2015 was for a period of 23 days as a specific punishment, without taking any severe action, and he was directed to join duty on 17.06.2015. Thereafter, the respondent raised a dispute under Section 2(K) of the Industrial Dispute Act in ID.No.52 of 2018 before the Principal Labour Court, Coimbatore and the same was allowed and the punishment awarded to the workman was set aside. Against which, the present writ petition has been filed by the management corporation.

3. The learned counsel appearing for the petitioner would submit that the respondent was working as a conductor in the petitioner corporation. On 11.05.2015 when he was on duty on the bus bearing registration no.TN38 N 1796, 5 ½ passengers in the bus were travelled, but he accounted for only 4 ½ passengers. He also issued a ticket for one passenger who travelled from Tirupur to Kadamadai for a sum of Rs.24, after receiving Rs.30 as ticket charges. Therefore, the checking inspector sought for explanation from him, but no proper explanation was offered. Thereafter, the charge memo was served to him, and no reply was submitted by him. Thereafter, the



corporation issued a final order dated 16.06.2015, stating that suspension period from 25.05.2015 to 16.06.2015 for a period of 23 days as a specific punishment and the same was challenged by the Labour Court, Coimbatore. The Labour Court without appreciating the case of the petitioner erroneously set aside the punishment awarded by the petitioner corporation. The charges levelled against the delinquent are grave in nature, however, lesser punishment was awarded. In spite of that, the Labour Court had set aside the order erroneously. Therefore, the order passed by the Labour Court is liable to be set aside.

4. No representation for the respondent. Despite notice served on the respondent and the name of the respondent was also printed in the cause-list, none appeared for the respondent.

5. This Court heard the argument of the petitioner and perused the material available on record.

6. In this case, it is not a dispute in respect of relationship between the parties as employee and workmen. The charge levelled against the respondent is that on 11.05.2015, when the respondent was placed on duty as



a conductor from Tiruppur to Mettupalayam at about 5.00 p.m near Karumatthampatti, the checking inspector conducted an inspection, at that time, totally there were 5 ½ passengers in the bus, but the respondent only mentioned as 4 ½ passengers, which is against clause 14(d) of the standing orders of the petitioner corporation. It is an admitted fact that there was a due issuance of a ticket and that the ticket was defaced during issuance. The complaint states that since no entry was made, there was a possibility of re-issuance of the ticket and therefore, the said act of checking inspection is illegal and does not amount to theft and the same is only carelessness. Therefore, the charge does not amount to misconduct under Section 14(d) of the standing orders. It is also admitted fact that the petitioner corporation imposed the punishment of treating the suspension period as one of the punishment without conducting any domestic enquiry.

7. The available records would show that no opportunity was given to the respondent delinquent before awarding punishment. Therefore, this is a violation of the Principles of Natural Justice. Even before the Labour Court, the respondent corporation did not produce the invoice of the passenger ticket book, etc therefore there are no materials to prove the charges against the delinquent. Without conducting enquiry and without giving opportunity to

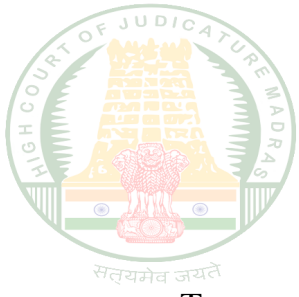


the delinquent, the petitioner management has imposed punishment to the delinquent and the same is illegal. The Labour Court after elaborate discussion, fairly came to the conclusion that the demand of the Petitioner Union Member to set aside the order passed by the respondent corporation dated 16.06.2015 treating as punishment in the period of suspension of the petitioner Union Member M.Gurusamy, conductor, from 25.05.2015 till 16.06.2015 is justified and the said order passed by the management dated 16.06.2015 was set aside. The Labour Court passed a reasoned order and therefore there is no warrant for interference.

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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To
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1. The General Secretary,
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P.DHANABAL, J.,

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