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W.A.No.224 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.224 of 2024
and CMP.No.1333 of 2024

The Management,
Rep. By its Manager Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division -I) Ltd.,
No.37, Mettupalayam Road,
Coimabtoe-641 043

... Appellant

Vs.

1.The Presiding Officer,
Labour Court,
Coimbatore

2.K.Dhandapani

... Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to
set aside the order passed in W.P.No.37372 of 2016 dated 16.06.2021.

For Appellant : Mr.A.Sundara vadhanan



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For Respondents : Mr. K.Myilsamy for R2

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the order passed in W.P.No.37372 of 2016 dated 16.06.2021.

2. The second respondent herein, while serving as a Conductor, was levelled with a charge that he was in possession of a sold ticket in the denominaion of Rs.3/-, which was detected by the Checking Inspector on 06.02.2002. Based on the proven charge, he was dismissed from service on 22.04.2002. When he challenged the order of dismissal before the Labour Court in I.D.No.66 of 2006, the Labour Court, through its award dated 05.02.2016 had set side the order of dismissal and directed the appellant / Management to reinstate him into service with continuity of service, but had not granted back wages and other attendant benefits.

3.Both the workman, as well as the Management had challenged the award of the Labour Court before this Court in W.P.No.37372 of 2016 and W.P.No.4010 of 2020. By a common order dated 16.06.2021, the Writ



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Petition filed by the Management was dismissed. Thereafter, the order of the Writ Court came to be modified on 14.07.2021, whereby the Management was directed to pay the last drawn wages under Section 17 B of the Industrial Disputes Act, 1947 to the workman from the date of the award till the date of his reinstatement. The statement of the workman that he was willing to give up the back wages from the date of dismissal till the date of reinstatement, was recorded and the revised wages from 22.04.2002, till the date of his reinstatement was directed to be paid to him. The employee's contribution towards Provident Fund Trust was also directed to be deducted from the monetary benefits. Challenging the said order of the Writ Court, the present appeal has been filed.

4. Mr.A.Sundara Vadhanan, learned counsel appearing for the Management submitted that the charge against the workman is one of misappropriation, which is very serious in nature and therefore, the Management, after giving him due opportunity during the course of the departmental proceedings, had imposed the maximum punishment, which according to him is proportionate to the charge. He further submitted that the workman did not give proper explanation for possession of the ticket



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with him, but rather had admitted of holding the sold ticket of Rs.3/- with him and therefore, both the Labour Court, as well as the Writ Court had rightfully denied the back wages to him.

5. Per contra, the learned counsel appearing for the second respondent submitted that the explanation rendered by the workman, during the course of the enquiry, was satisfactory. According to him, the workman was holding a ticket, which he had issued to his wife, father-in-law and mother-in-law, who had travelled in the bus on that date, and when he found that one passenger had lost the ticket, he had told the Checking Inspector that the ticket of Rs.3/- was taken back by him. It is also his explanation that he had kept the tickets, which were issued for unclaimed luggages, as a safety, during any verification or any inspection. Even in other words, the charge against him was a minor charge, for which the Management ought not to have been imposed a major penalty.

6. We have given our due consideration to the submissions made.

7. The charge against the second respondent is that he was in



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possession of a sold ticket in the denomination of Rs.3/-. The workman appears to have given some explanation as to why he was in possession of the ticket. It is his specific case that the tickets issued by him to his family members were retained by him and that one ticket was accounted for a passenger, who had lost his ticket. This apart, he had retained those tickets for the purpose of verification towards unclaimed luggages.

8. The Labour Court, had appreciated all these aspects from the records placed before it and had come to the conclusion that merely because the workman had possessed the sold tickets, it cannot suggest of the fact that he had the intention to re-sell the same, as claimed by the Management. With such a finding, the Labour Court had come to the conclusion that the punishment of dismissal from service was grossly disproportionate of the charge against him. In this background, the order of dismissal was set aside with a direction to reinstate the second respondent together with continuity of service, but without back wages.

9. In our view, the award of the Labour Court is well founded.



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Before the Writ Court, the workman had filed an application, seeking for payment of the last drawn wages under Section 17 B of the Act. The Writ Court, while confirming the award of the Labour Court, had taken into account that the workman was without employment and therefore, directed the Management to pay the last drawn wages from the date of the award till the date of reinstatement. Such a finding is also in conformity with the legal position.

10. On an appraisal of both the award, as well as the order passed in the Writ Court, we are of the affirmed view that the decisions arrived therein are well in conformity with the evidences available before the Labour Court. We find no reason to interfere with the reasoning adopted in both these orders.

11. Accordingly, there are no merits in the Writ Petition. Hence, the Writ Appeal stands dismissed. In consequence, the Management shall comply with the order passed in W.P.No.37372 of 2016 dated 16.06.2021, as modified on 14.07.2021, within a period of six (6) weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected



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miscellaneous petition is closed.

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[M.S.R., J] [R.S.V.,J]

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Anu

To

The Presiding Officer,
Labour Court,
Coimbatore

M.S.RAMESH, J.
and



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R.SAKTHIVEL, J.

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