



IN THE HIGH COURT AT JUDICATURE AT MADRAS

DATED: 12.09.2025

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THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.10775 of 2021

and

WMP.Nos.11405 and 11407 of 2016

The Management,
Tamil Nadu Transport Corporation Limited (Kovai Ltd.),
No. 37, Mettupalayam Road,
Coimbatore- 641 043.

...Petitioner

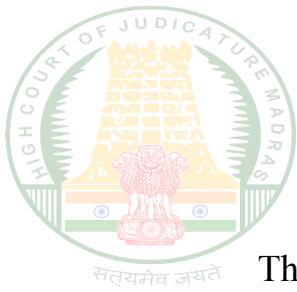
Vs.

The General Secretary,
Tamil Nadu Kovai Arasu Pokkuvarathu Oozhiyar Sangam (CITU)
109, Park Street,
Kattoor,
Coimbatore- 641 009.

...Respondent

Writ petition is filed under Article 226 of the Constitution of India
praying to issue Writ of Certiorari, calling for the records in ID No. 142 of 2017
on the file of the Additional Labour Court, Coimbatore dated 21.01.2020 and
quash the same.

For Petitioner : Mr.M.Arun
For Respondent : M/s.Porkodi



ORDER

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The Transport Corporation aggrieved by the Award of the Labour Court dated 21.01.2020, in I.D.No.142 of 20217 has filed the above writ petition.

2.The brief facts of the case are as follows:

One S.Rajan (Hereinafter referred to as workman) was a conductor in the Sungam-II branch of the Tamil Nadu State Transport Corporation, Coimbatore Limited. While the said workman was on duty on board bus No. TN 38 N 1141 on 02.11.2011, a surprise inspection was conducted. In the inspection, it was found that there were 76 passengers traveling in the bus, out of whom, 2 passengers were travelling under free pass category, that out of 74 tickets, 70 tickets were issued properly and 4 tickets were issued wrongly and that the tickets issued did not tally with head count in the bus. Based on the complaint dated 04.11.2011, a charge memo was issued to the workman on 09.11.2011. The workman submitted his explanation to the charge memo on 12.12.2011, which was found unsatisfactory and therefore an enquiry was conducted. The enquiry officer found that the charges were proved and submitted his report to the petitioner corporation. The petitioner corporation thereafter issued a show



cause notice to the workman, calling for his explanation to the enquiry report.

Not satisfied with the reply to the enquiry report, the petitioner corporation

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accepted the enquiry report and issued the second show cause notice, calling for the workman's explanation to the proposed punishment for the proved charges. The workman submitted his reply but the petitioner corporation found the same unconvincing. The petitioner corporation thereafter passed the impugned punishment order imposing punishment of one year postponement of increment and treating the period of suspension i.e 11.12.2011 to 10.01.2012, as leave. The respondent union raised the dispute on behalf of the workman before the Additional Labour Court, Coimbatore in I.D.No.142 of 2017. The Labour Court on the basis of the evidence filed before it, allowed the I.D. Aggrieved against which Award, the Transport Corporation has filed the above writ petition.

3. I heard both the learned counsels and perused the materials placed on record.

4. The facts are undisputed. From the materials placed on record, it is seen that a charge memo dated 09.11.2011, (Ex.M10) was issued to the



workman invoking Clauses 14(d) and (b) of the Standing Orders. The

substance of the charges levelled against the workman were that, on 02.11.2011,

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while the workman was discharging duties on board the bus No. TN 38 N 1141,

on Kovanoor route, a surprise inspection was conducted at Seran Nagar, around

1.35 p.m. That in the inspection it was found that for 2 passengers, who

travelled from Rakkiapalayam to Gandhipuram, the workman had issued Rs.3

tickets each, instead of Rs.4 ticket. Similarly, for 2 passengers who travelled

from Narasimha Mill to Housing Unit and Saibaba Koil, instead of issuing

tickets for Rs.3.50 and Rs.4 each, the conductor issued Rs.3 tickets each,

thereby appropriating Rs.3.50/- to himself. The charge memo further referred to

a shortage of Rs.119.50/- in the cash bag and also alleged that the workman had

obstructed the inspection squad from discharging their duties by insulting them

in front of the public. In essence, the charge memo pertained to (i) issuance of

incorrect tickets, (ii) Misappropriation of Rs.3.50/-, (iii) Shortage of Rs.119.50

in cash bag and (iv) obstruction of the inspection squad in discharge of their

official duties. The explanation offered by the workman under Ex.M11, to the

aforesaid charges was that, the tickets of different denominations were identical

in colour, which led to an inadvertent error in issuing the wrong tickets. It was



further contended that due to maintenance work on Mettupalayam road, the bus was delayed which contributed to the confusion. Also that there were some

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change issues and hence under tension, the workman had issued the tickets wrongly. The workman denied the charges that he had prevented the inspection squad from discharging their duties.

5. The Labour Court while deciding the preliminary issue on the validity of the enquiry on 11.10.2019, found that the domestic enquiry conducted was perverse. Pursuant to the preliminary enquiry when the matter was heard, the petitioner corporation elected to rest its case on the evidence already on record and chose not to adduce any further evidence. The Labour Court on the basis of the evidence before it, and on consideration of the oral evidence of MW.1, found that the petitioner corporation had failed to prove the charges and therefore, set aside the order of punishment imposed by the petitioner corporation.

6. Before proceeding further, it would be appropriate to reiterate the scope of judicial review under Article 226 while scrutinizing the Award of the Tribunal. It is well settled that this Court cannot enter into the merits of the

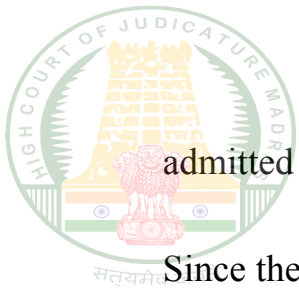


controversy, as an Appellate Court, but can interfere only when there is a jurisdictional error, violation of principles of natural justice or error apparent on

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the face of the records. This Court with the aforesaid legal limitations in mind, proceeds to examine the Award of the Labour Court.

7. Upon perusal of the Labour Court Award, it is clear that the Labour Court, on the basis of Ex.M2 and Ex.M8 and on the basis of the tacit admission of MW1 in the cross examination, found that with regard to three of the charges relating to appropriation of amount, obstruction of inspection squad from discharging their duties and shortage of amounts in cash bag, there was no foundation in the complaint. The Labour Court further rejected the explanation of MW1, that the said three charges were traceable to the Special Report [Ex.M9] on the reasoning that liberty to raise additional complaint, was not reserved in Ex.M8. The Labour Court also found that under Ex.M2 and Ex.M8, complaints, the allegation was that the tickets were wrongly issued. Hence, the Labour Court found that there was no foundation in the complaint for three of the charges. The Labour court, on assessment of the evidence of MW1, found that it was insufficient to discredit the workman's explanation, that it was an



admitted practice to settle the discrepant ticket amounts at the end of the day.

Since the Labour Court has based its findings on the evidence on record and has

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given reasonable justification for its conclusions, this Court finds no compelling

reasons to interfere with the Award of the Labour Court.

8. This Court is inclined to add to the Labour Court's reasoning and finding. Since the Labour Court on facts found that there was no foundation for 3 of the charges, the only charge left is issuance of tickets wrongly to 4 passengers. To the said charge, the explanation offered by the workman was that the colour of the tickets of various denominations were identical; that there was maintenance work being carried on in the Mettupalayam road due to which the bus was plying behind time and also that there was some issue with regard to tendering of change. According to the workman, all of the above factors led to confusion and tension, resulting in issuance of wrong tickets.

9. The issue is whether the said explanation is valid and tenable.



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10. Few facts necessary for better appreciation of the explanation of the respondent / workman deserve to be set out. That the bus was plying on a busy road with number of stops at frequent intervals ; that the tickets of various denominations were of the same colour ; that the maintenance work was carried on in the Mettupalayam road and that the bus was running behind schedule, were not denied by the petitioner/Corporation. On the other hand, from the statement in the Charge Memo, it is clear that the bus was crowded to near full capacity with 76 passengers travelling at the relevant time. Further it is pertinent to note that 70 tickets were issued properly and the dispute was only with regard to 4 tickets (2 passengers admittedly travelled in free pass category). When all these factors are assessed cumulatively, the explanation of the workman that there was lot of confusion and tension because of the aforesaid factors, assumes significance and cannot be disregarded as irrelevant, as it bears nexus to the issue under consideration. In my view, the Labour Court has considered all the aspects in proper perspective and on the basis of the evidence on record. The factual findings of the Labour Court are fair, reasonable and justified and hence, I find no compelling reasons to interfere with the same.



11. This Court finds **no infirmity or illegality in the Award of the**

Labour Court and hence, the same is confirmed. Accordingly, this writ

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petition is dismissed. However, there shall be no order as to costs.

Consequently, the connected miscellaneous petitions are closed.

12.09.2025

dsn

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

To,

The General Secretary,

Tamil Nadu Kovai Arasu Pokkuvarathu Oozhiyar Sangam (CITU)

109, Park Street,

Kattoor,

Coimbatore- 641 009.



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N.MALA,J.

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