



Writ Petition Nos.17033 and 19571 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.07.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition Nos.17033 and 19571 of 2023

Writ Petition No.17033 of 2023:

The Management of Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram – 631 552,
Rep. by General Manager.

...Petitioner

Vs

B.Joseph

... Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records relating to the award dated 16.03.2023 made in I.D.No.300 of 2019 passed by Labour Court, Kancheepuram and quash the same.

For Petitioner : Mr.T.Chandrasekaran

For Respondents : Mr.P.Vijendran



Writ Petition Nos.17033 and 19571 of 2023

Writ Petition No.19571 of 2023:

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...Petitioner

Vs

The Management of Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
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PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records relating to the award dated 16.03.2023 made in I.D.No.300 of 2019 passed by Labour Court, Kancheepuram and quash the same.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.T.Chandrasekaran

COMMON ORDER

These writ petitions have been preferred as against the award passed by the Labour Court, Kancheepuram, in I.D.No.300 of 2019, dated 16.03.2023. The petitioner in W.P.No.19571/2023 and respondent in W.P.No.17033 of 2023 has filed industrial dispute challenging the dismissal order passed against him in Domestic Enquiry and the same was allowed in



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part and he was reinstated the service without backwages and continuing of service. Aggrieved by the said order, the management has preferred writ petition in W.P.No.17033 of 2023 against the reinstatement order and the workman has preferred writ petition in W.P.No.19571 of 2023 as against the denial of back wages and continuing of service.

2. The short facts necessary to dispose of these Writ Petitions are as follows:

The writ petitioner in W.P.No.17033 of 2023 and the respondent in W.P.No.19571 of 2023 herein will be referred as management and the writ petitioner in W.P.No.19571 of 2023 and respondent in W.P.No.17033 of 2023 will be referred as workman. The workman was working as Conductor under the management, while so, on 24.01.2015, when he was on duty in the bus bearing registration No.TN-21N-1719 in Route No.176C/E from Trichy to Chennai, the checking Inspector of the management found that the passenger boarded at Tindivanam to Perungulathur was not issued ticket, after the workman collected bus fare of Rs.56/- and also the workman had shortage of Rs.14/- in his cash bag. Therefore, a charge memo was issued to him and Domestic Enquiry was

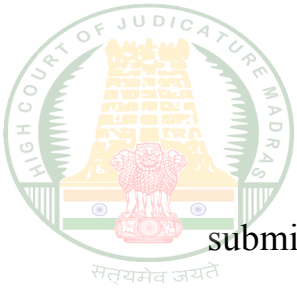


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conducted and as per the Domestic Enquiry report, the charges against the workman were proved. Thereafter, the enquiry report was furnished to the workman and then the management imposed punishment of dismissal from service through order dated 20.07.2017. The punishment of dismissal from service was challenged before the Labour Court by raising industrial dispute in I.D.No.300 of 2019 on the file of the Labour Court, Kancheepuram. The labour Court allowed the industrial dispute in part and the punishment awarded to the workman was set aside and he was reinstated in service without any back wages and continuity of service. Aggrieved by the said order, both the workman as well as the management filed the above said writ petitions.

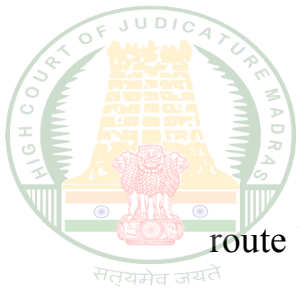
3. The learned counsel appearing for the management would submit that the workman while, he was working as conductor on 24.01.2015 has not issued ticket to one passenger who boarded at Tindivanam to travel to Perungulathur, after collecting Rs.56/- towards bus fare and also shortage of Rs.14 in his cash bag. Thereby, he was charged for the above said misconduct and domestic enquiry was conducted and the workman also participated in the enquiry and thereafter the enquiry report was



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submitted to the disciplinary authority stating that the charges against the workman were proved. The management after affording opportunity to the workman and after perusal of records imposed punishment of dismissal from service through order dated 20.07.2017. Against which, the workman raised an industrial dispute before the Labour Court, Kancheepuram in I.D.No.300 of 2019. On the side of the workman he was examined as WW.1 and Exs.W1 to W13 were marked. On the side of the management, M.W.1 was examined and Exs.M1 to M6 were marked. The labour Court without considering the evidences adduced on the management side erroneously allowed the industrial dispute in part and set aside the punishment awarded by the management. The charges against the workman are serious in nature. However, the Labour Court set aside the dismissal order and reinstated the workman without any back wages and continuity of service. Therefore, the above said order passed by the Labour Court, in respect of reinstatement is liable to be quashed.

4. The learned counsel appearing for the workman would submit that the workman was working as conductor in the management from 07.02.1996 onwards. While he was on duty on 24.01.2015 in bus



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route No.176 C/E in bus bearing registration No.TN-21N-1719 and tickets

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5. The labour Court after considering the evidence adduced on both sides erroneously held that the charges against the petitioner were

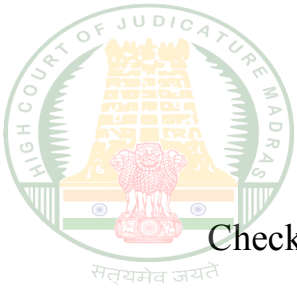


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proved. However, the punishment awarded is disproportionate and set aside the punishment of dismissal from service and ordered to reinstate the workman without any back wages and continuity of service. Once the labour Court comes to the conclusion that the workman is liable to be reinstated it cannot decline to grant continuity of service and back wages. Denying back wages and continuity of service is not a punishment prescribed as per the standing orders. Therefore, the award passed by the Labour Court in respect of denying the back wages is liable to be set aside.

6. This Court heard both sides and perused the materials available on record.

7. In this case, there is no dispute that in respect of the relationship between the parties as employer and workman. The charge against the workman is that on 24.01.2013, the workman when he was on duty without giving ticket to the passenger who boarded at Tindivanam to Perungulathur, after obtaining Rs.100/- he did not issue the ticket. The said fact was also not denied by the workman. According to him, the passenger gave Rs.100/- and he asked change for the ticket. In the meantime, the

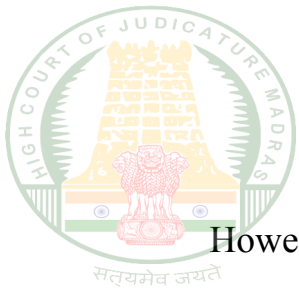


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Checking Inspector boarded the bus and they found the above said non-issuance of ticket. The labour Court rendered findings that there is no misappropriation and there is no any loss caused to the Government. However, there was a negligence on the part of the workman and thereby the punishment awarded by the delinquent authority is disproportionate and the award of punishment of denying the back wages and continuity of service.

8. Once, the labour Court found that the charges are proved the labour Court has to award punishment as per the standing orders and the denial of back wages and continuity of service is not a punishment under the standing orders. Therefore, the punishment awarded by the labour Court in denying the back wages with continuity of service is not in accordance with law.

9. As far as proving the charges are concerned before the enquiry Officer sufficient opportunity was given to the petitioner, the passenger against whom the ticket was not issued was not examined as one of the witness in the enquiry proceeding in the disciplinary enquiry and before the Labour Court also, the passenger was not examined as witness.



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However, the workman himself admitted the non-issuance of ticket to the passenger, which would amount to misconduct and therefore, the findings of the labour Court in respect of the proving the 3rd charge is in order. Therefore, it is appropriate to award lesser punishment of postponement of one increment without cumulative effect to the workman. As far as the backwages with continuity of service is concerned, considering the fact that the petitioner was removed from service and considering the past service rendered by him it is appropriate to grant continuation of service for pension purpose without back wages.

10. With the above terms, these writ petitions are disposed of.

No costs.

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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1.The Competent Authority under Gratuity Act/
Additional Commissioner of Labour,
Coimbatore,
Coimbatore District.

2.The Competent Authority under Payment of Gratuity Act,
Salem, Salem District.

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