

W.P.No.18083 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.18083 of 2021

G.Raja

... Petitioner

Vs.

1.The Joint Commissioner Of Labour (Conciliation)
DMS Campus,
Chennai 6.

2.The Management
Tamil Nadu State Transport Corporation,
Kumbakonam.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus Calling for the records in I.D.No. 89/18 on the file of Labour Court, Kumbakonam dated 8.5.2018 and quash the same and further direct the 2nd respondent to reinstate the petitioner with back wages and continuity of service.



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For Petitioner : M/s.A.Arun Babu

For Respondents : M/s.M.Murali, Govt. Advocate
[for R1]

: M/s.M.Murali Vinodh,
Standing Counsel [for R2]

ORDER

Challenging the dismissal of his petition by the Labour Court, Kumbakonam seeking his reinstatement with backwages and continuity of service, the workman is the petitioner before this Court.

2. The short facts are as follows:-

3. The petitioner was working as a Conductor in the 2nd respondent's Corporation from 01.03.1989 to 25.08.2004. On 11.08.2003, while he was on duty as the Conductor in a Special bus operating on the route Kumbakonam to Thiruvannamalai and when the bus was nearing Meenchuruthy, Cuddalore District, the Ticket Inspectors of the 2nd respondent corporation had boarded the bus. During their inspection they found that one passenger was travelling



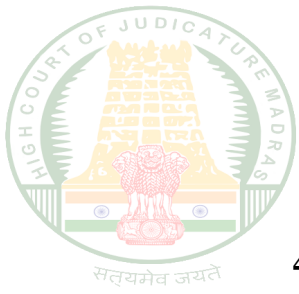
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without a ticket. When the passenger was questioned, he stated that he had paid a sum of Rs.105/- to the petitioner, requesting a ticket to Thiruvannamalai. The petitioner had returned Rs.50/- as the balance amount and retained Rs.55/- as the fare, but had failed to issue the ticket. The Inspectors had recorded the said statement and they had also recorded the fact that the petitioner's ticket bag was short of a sum of Rs.60.25/-. On the basis this, a charge memo was issued on 22.06.2003 calling upon the petitioner to explain the following charges:-

(a) He had caused damage to the reputation of the 2nd respondent by failing to issue a ticket to the passenger after receiving a sum of Rs.105/- and paying the balance of Rs.50/- and thereby retaining the ticket fair of Rs.55/-

(b) The shortage of Rs.60.25/- found in the ticket bag was attributed to the petitioner's personal expenses.

(c) Through his conduct, the petitioner has caused damage to the respondent's corporation.



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4. The petitioner would submit that he had given a detailed explanation to the charges leveled against him but however the explanation was not accepted by the 2nd respondent and a domestic enquiry was initiated against him. It is his contention that in the domestic enquiry neither the driver of the bus nor the passenger who had leveled false allegations were examined. However, the statement recorded by the Ticket Inspector was pressed into service. The petitioner would contend that he was not given an opportunity to cross examine. It is his contention that the domestic enquiry officer had not followed the principles of natural justice.

5. On the basis of the findings of the enquiry officer, the 2nd respondent had dismissed the petitioner from service by an order dated 25.08.2004. This order was also approved by the 1st respondent on 03.04.2006. Therefore, the petitioner was constrained to raise an Industrial Dispute in ID.No.14 of 2005 on the file of the Labour Court, Cuddalore which was later transferred to the Labour Court, Kumbakonam and re-numbered as ID.No.89 of 2018. The Labour



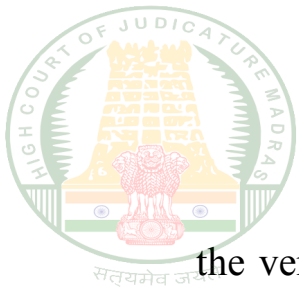
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Court proceeded to reject the petition filed by the petitioner herein and therefore aggrieved by the same, the petitioner is before this Court.

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6. It is the case of the learned counsel for the petitioner that the enquiry officer had concluded that the petitioner was guilty without even examining the passenger who had made the complaint and the Driver of the bus who had stated to have attested the complaint made by the passenger. Further, the Ticket Inspector who had given his evidence was not cross examined by the petitioner and therefore, the petitioner has suffered serious irreparable injury. He would further submit that the fact that the Ticket Inspector had found a short fall and not an excess would only go to show that the allegations regarding the petitioner retaining a sum of Rs.55/- is puerile.

7. Per contra, the learned counsel for the corporation would submit that this charge against the petitioner was not the first of its kind. In the order of dismissal, the 2nd respondent had clearly set out that on three earlier occasions the petitioner had been found guilty of



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the very same charge as in the instant case. That apart, the petitioner had been imposed with punishment for about 41 misdemeanors. He would further submit that, after contest, the approval petition was allowed and the authority had found that the enquiry had been conducted by providing sufficient opportunity to the petitioner. Therefore, he would submit that there is no necessity to set aside the order of the Labour Court.

8. Heard the learned counsel on either side and perused the records.

9. A perusal of the dismissal order would clearly show that within a year of the petitioner joining the services of the 2nd respondent he had received the first punishment in the form of a fine of Rs.10/- for being absent on 13.02.1990. Thereafter, the petitioner has been charged for various offenses numbering about 41 for which he had also received punishments. On 09.03.2000, 14.05.2001 and 12.03.2002, the petitioner had committed a similar offense of not



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issuing tickets after receiving payments. That apart, he has also been accused of several other misdemeanors.

10. The petitioner had disputed the contention of the passenger by stating that the ticket-less passenger was under the influence of liquor. Thereby, the petitioner has admitted the ticket-less travel by the passenger. There is no explanation for the shortage of the sum of Rs.60.25/- in the ticket bag. The petitioner is not guilty of such a charge only in the instant case but he has already been charged and punished for the very same allegation on three earlier occasions. Therefore, I see no reason to interfere with the order passed by the Labour Court, Kumbakonam in ID.No.89 of 2018.

11. Accordingly, the Writ Petition stands dismissed. No costs.

27.06.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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