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WP No. 18641 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 18641 of 2019

AND WMP NO. 17962 OF 2019

1. K.Revathi

Petitioner(s)

Vs

1. The Management
Metropolitan Transport Corporation
(chennai) Limited Rep by its General
Manager Pallavan House Anna Salai
chennai-2

Respondent(s)

This Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, Calling for the concerned records from the II Additional Labour court Chennai, quash the Preliminary order dated 6.7.2012 in ID. NO 281/2007 Passed by the II Addl labour Court Chennai holding that the Domestic enquiry was conducted by the Respondent Management as Fair and Proper and The Award passed by the II Addl Labour Court in ID. No 281/2007 dated 8.5.17 as Illegal , arbitrary and contrary to law and consequently direct the Respondent Corporation to pay the back wages and other benefits from 17.4.2004 being the date of Dismissal till the date of Superannuation and pay all the terminal benefits.



For Petitioner(s): M/S.BALAN HARIDAS
For Respondent(s): M/s. C. Gauthamaraj For
Respondent

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ORDER

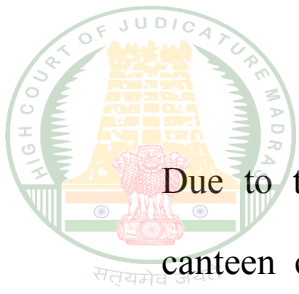
This writ petition has been filed seeking to quash the Preliminary order dated 6.7.2012 in ID. NO 281/2007 Passed by the II Additional labour Court, Chennai holding that the Domestic enquiry was conducted by the Respondent Management as Fair and Proper and the Award passed by the II Additional Labour Court in ID. No 281/2007 dated 08.05.2017 as illegal , arbitrary and contrary to law and consequently, direct the respondent corporation to pay the back wages and other benefits from 17.4.2004 being the date of Dismissal till the date of Superannuation and pay all the terminal benefits.

2. It is the case of the petitioner that the petitioner's husband was working in the respondent Corporation as a Record Clerk. While so, he was placed under suspension and charge memo was issued. The respondent Corporation after conducting an enquiry, dismissed him from service. The petitioner's husband had raised an industrial dispute, questioning the enquiry conducted by the respondent corporation. The Labour Court passed an award by dismissing the industrial dispute. Subsequent to the award being passed, the petitioner's husband died. In such circumstances, the petitioner, who is the wife of the workman, has filed the present writ petition seeking to quash the award passed by the Labour Court.



3. The learned counsel for the petitioner submitted that the charges levelled against the petitioner's husband is that he did not maintain the registers regarding sale and distribution of monthly season ticket, misappropriated Rs.2,04,820/- and cheated the management and caused loss to the respondent Corporation. The charges levelled against the petitioner's husband does not relate to his work. The receipt of stock of tickets, issuing the same, maintaining the stock register etc., is the work of the Superintendent, Assistant Branch Manager and Branch Manager. The aforesaid officers only receive the tickets from Central Office after the requirement of the depot and on receive it they will have to maintain the stock. As the sold the serial number of the ticket sold has to be entered in the concerned register and further enter the stock on hand and get approval of the same every day. All these things have to be done by the officers. While so, the Labour Court ought to have held that the petitioner is not responsible for any stock deficit and held that the charges will not lie against the petitioner's husband. Without considering the entire fact, the Labour Court has held that the domestic conducted by the respondent management is contrary to the principles of natural justice and the learned counsel seeks remand the matter back to the Labour Court to prove her case.

4. The learned counsel for the respondent submitted that after conducting enquiry, the petitioners husband was dismissed from service after getting approval from the authority in terms of Section 33(2)(b) of the ID Act. Based on the enquiry conducted by the respondent, the approval petition was allowed.



Due to the misappropriation of the workman in issuing the season ticker, canteen coupons and maintaining the stock registers, he was issued charge memo. However, he has not given proper explanation for the charges levelled against him by the Management. Further, when the matter was came up before the Labour Court, he has not taken any steps to give evidence which resulted in dismissing the petition, which is perfectly in order. Therefore, this Court may dismiss the writ petition.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

6. The petitioner's husband was working with the respondent and when he was in duty, he had sold the tickets and season tickets to the general public and misappropriated the amounts and also he did not maintain the registers properly. During trial, before the Labour Court, the petitioner's husband was given sufficient opportunity, but he has not taken any steps to produce the additional documents and not examined any co-worker on his behalf. Therefore, the Labour Court came to the conclusion that he could not take any appropriate steps to disprove the charges and hence, rejected the petition which was filed by him.

7. Considering the fact that the petitioner's husband has rendered 13 years of service with the respondent Corporation. However, after trial, the petitioner's



husband died. The petitioner, who is the wife/dependent of the deceased, has come forward to prove her case by producing certain documents. According to her, without given sufficient opportunity and without any basis, the Labour Court passed a negative order, which is not sustainable one and requested this Court to remand the matter back to the authorities. In order to give one more opportunity, this Court is inclined to remand the matter back to the Labour Court.

8. Accordingly, the writ petition is allowed by setting aside the order passed in ID No.281 of 2007 dated 06.07.2012 and remand the matter back to the II Additional Labour Court, Chennai within a period of four weeks from the date of receipt of a copy of this order. The Labour Court is directed to dispose the case as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

09-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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M.DHANDAPANI J.

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To

1. The Management

Metropolitan Transport Corporation (chennai) Limited Rep by its General
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2. II Additional Labour Court,
Chennai.

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