



W.P.No.19707 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **P.DHANABAL**

W.P.No.19707 of 2022

G.Periyasamy

.... Petitioner

Vs

The Management,
T.N.S.T.C (Salem) Ltd,
Dharmapuri Division,
Bharathipuram,
Dharmapuri-5

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records of the order by the Labour Court, Salem in I.D.No.146 of 2012 dated 30.08.2019 and to quash the same and to consequently direct the respondents to grant reinstatement along with attendant benefits, back wages and continuity of service to the petitioner.

For Petitioner : Mr.K.M.Ramesh (Senior Counsel)
for M/s. Pradeep

For Respondent :Mr.K.Raja (Senior Counsel) for Transport



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ORDER

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2. The short facts necessary to dispose this writ petition are as follows;

The writ petitioner joined the service of the respondent corporation on 26.04.2007 as a casual driver and for the post of driver the educational qualification is 8th standard. Even prior to the employment of the petitioner, he appeared for SSLC Examination as a private candidate and he was declared successful. In this regard a mark sheet in AA3475656 was handed over by the private tuition centre, in which it is mentioned that the petitioner has persuaded 10th private study. The said mark sheet was produced by the petitioner for the purpose of authenticating that he has completed 8th standard. While so, the petitioner



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was issued a charge memo dated 11.03.2012 by the management on the ground that the mark sheet produced by him was tampered by misquoting 43 instead of 23 marks in English paper. Thereafter, the petitioner made a detailed representation and the disciplinary authority conducted domestic enquiry. Thereafter, the enquiry officer given findings that charges against delinquent was proved and accordingly, Second show cause notice was issued to the petitioner. The petitioner made a request in the communication sent by the Government Education Department for issuing suitable reply. In the mean time, the dismissal order was passed by the respondent on 29.05.2012. Challenging the said dismissal order passed by the disciplinary authority, the petitioner raised Industrial dispute before the Labour Court, Salem in I.D.No.146 of 2012, and the same was dismissed. Aggrieved by the said order, the present writ petition is filed.

3.The learned senior counsel appearing for the petitioner would submit that the petitioner joined the service of the respondent corporation on 26.04.2007 as a casual driver and at that time, he produced his SSLC mark sheet. Thereafter, on 11.03.2012, the management issued charge



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memo stating that the mark sheet produced by the petitioner was tampered and he only secured 23 marks in English whereas he tampered the document as 43 marks in English. The detailed reply was submitted by the petitioner, inspite of that, the respondent management conducted domestic enquiry wherein, the enquiry officer concluded his findings that the charges against the petitioner were proved. Thereafter, the respondent management issued show cause notice calling for explanation from the petitioner and the petitioner demanded the communication sent by the Education Department for the purpose of making suitable reply, but without furnishing the documents, the respondent passed dismissal order on 29.05.2012. The petitioner challenged the said order by raising Industrial dispute before the Labour Court, Salem in I.D.No.146 of 2012.

3.1. Before the Labour Court, the petitioner was examined as PW1 and marked Ex.P1 to P5. On the side of the respondent, they examined 3 witnesses and marked 11 documents as Ex.R1 to R11. On the side of the Court Ex.X1 to X3 have been marked. Thereafter, the Labour Court without considering the evidences adduced by the petitioner, dismissed the petition erroneously. The petitioner has not forged the document and



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he studied in a private study centre and obtained mark sheet and there is no any alterations in the mark sheet furnished by him. But without considering the same, the Labour Court dismissed the petition. The Labour Court failed to test the validity of the enquiry initiated by the enquiry officer as a preliminary issue and failed to verify about the validity of the enquiry. The enquiry officer/Department failed to examine the competent witnesses to speak about the mark sheet and they only examined superintendent of the Education Department, there was no nexus with the 10th mark sheet. There is no any proof which one is the original document. The Labour Court failed to consider that even for the aforesaid charge, the punishment of dismissal from service is disproportionate and failed to test the case on the proportionality or there is a deep discussion over the facts over the proportionality of punishment or the warranting reason for imposing of the punishment of dismissal. The Labour Court failed to consider that the report of the enquiry officer was not furnished to the petitioner and no documents have been furnished as requested by the petitioner. Therefore the award passed is erroneous and the same is liable to be quashed.



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4. The learned senior counsel appearing for the respondent would

submit that the petitioner was appointed as a casual driver on 26.04.2007, at that time, he furnished the bogus certificate of SSLC mark sheet. In fact, he secured 23 marks in English, whereas he produced bogus certificate as if he secured 43 marks in English subject. Therefore, the charge memo was issued on 11.03.2012 and thereafter the petitioner submitted his reply. Being not satisfied with the reply, the management conducted disciplinary enquiry, as per the report of the enquiry officer, charges against the petitioner were proved. During the disciplinary proceedings, ample opportunities were given to the petitioner and he was also actively participated. Thereafter the respondent after giving opportunity to the petitioner awarded punishment of dismissal from service. The petitioner challenged the said dismissal order by raising Industrial Dispute before the Labour Court, Salem. Before the Labour Court both side adduced oral and documentary evidences and based on the evidences adduced by both side, the Labour Court correctly dismissed the petition and there is no irregularity or illegality in the award passed by the Labour Court. Therefore this writ petition is liable to be dismissed.



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5. This Court heard both sides and perused the records.

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6. In this case, there is no dispute in respect of the relationship of the parties as workman and employee. According to the respondent, the petitioner produced the 10th mark sheet before the appointing authority at the time of his joining and the same was sent to Director of Examination and as per the report, the said document produced by the petitioner was bogus. Therefore, the respondent issued charge memo, pursuant of the charge memo disciplinary enquiry was conducted and the petitioner also participated in the disciplinary enquiry. Thereafter the management passed punishment of dismissal from service and the same was challenged before the Labour Court, Salem. Before the Labour Court, the petitioner was examined as PW1 and marked Ex.P1 to P5. On the side of the respondent, they examined 3 witnesses and marked 11 documents as Ex.R1 to R11. On the side of the Court Ex.X1 to X3 have been marked. The petitioner also participated in the enquiry proceedings and thereby principles of natural justice have been followed.

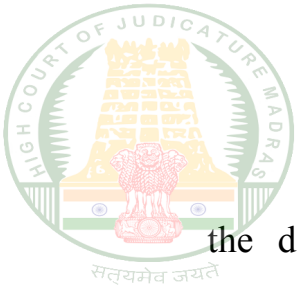


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6.1 The Labour Court also examined RW1 to Rw3 and as per the

evidences adduced by the respondent, it is clear that the certificate produced by the petitioner is not an original one. As per the original certificate, he secured 23 marks in English and as per the certificate produced by the petitioner he secured 43 marks in English. Therefore, the documents is tallied with original document and it is for the petitioner to prove that this is not a bogus certificate. In order to prove the same, the petitioner has not examined any other witnesses. Whereas on the the respondent side, discharged his duty and examined the competent witnesses. Therefore, the charges levelled against the petitioner were proved and the Labour Court in this context concluded that the charges were proved. Therefore, the findings of the Tribunal are well reasoned in respect of proving the charges.

7. As far as the punishment is concerned, as rightly pointed out the learned counsel for the petitioner, the document was produced by the private tuition centre where he studied privately and there is no direct evidences to prove that the petitioner created the mark sheet. The respondent also at the time of admission did not verify the originality of



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the document and after 5 years initiated the proceedings and the punishment awarded by the disciplinary authority is disproportionate.

Therefore, this Court is inclined to modify the dismissal from service into reduction in the time scale of pay to the next level from the present scale of pay to next lower scale of pay for a period of two years. The petitioner is entitled to continuity of service from the date of termination to till the reinstatement and he is not entitled to any back wages and he shall be reinserted into service within one month from the date of receipt of a copy of this order.

8. With the aforesaid modifications and directions, this writ petition is partly allowed. No costs.

15.07.2025

Index : Yes/No
Neutral citation : Yes/No
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To

The Management,
T.N.S.T.C (Salem) Ltd,
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