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W.P.No.33523 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.33523 of 2012
and W.M.P.No.4363 of 2025**

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Kumbakonam) Limited,
Kumbakonam.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Cuddalore.

2.V.Gunasekaran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to I.D.No.153 of 2002 on the file of the first respondent and quash the award dated 27.06.2011 made in I.D.No.153 of 2002.



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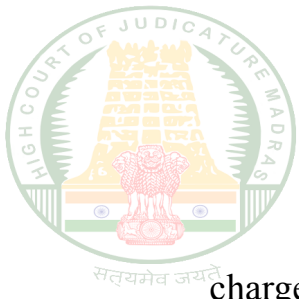
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For Petitioner : Mr.C.Senapathi
For Respondents : R1-Tribunal
R2-Died (steps due)

ORDER

This Writ Petition has been filed challenging the award dated 27.06.2011 passed in I.D.No.153 of 2022 by the first respondent.

2. The learned counsel appearing for the petitioner submits that the second respondent was working as Conductor in the petitioner Transport Corporation. On 17.03.1998, the vehicle was checked by the Checking Inspector and it was found that the second respondent received the ticket fare of Rs.14/- from a group of seven passengers, but he did not issue tickets to the passengers. When the cash bag was checked, it was found that there was an excess cash of Rs.3.75/-. For the above misconduct, a charge memo was issued. Though he submitted explanation to the charge memo, it was not satisfactory and thereby, domestic enquiry was conducted, in which, the



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charges levelled against the second respondent were proved and thereby, he was dismissed from service on 13.11.1998. After dismissal, during the period between 10.11.2001 and 26.11.2001, some Trade Unions went on strike regarding bonus issue and to meet the exigencies, the petitioner Corporation engaged some casual workers on temporary basis for the strike period. The second respondent suppressing the dismissal order has worked on temporary basis in some other depot during the period between 10.11.2001 and 26.11.2001 (i.e.,) 17 days and thereafter, he raised I.D.No.153 of 2002 before the first respondent/Labour Court. However, the Labour Court, without considering the documents marked on behalf of the petitioner Corporation, passed the impugned award dated 27.06.2011 directing the petitioner Management to reinstate the second respondent which is under challenge in this writ petition. He would further submit that during the pendency of this writ petition, the second respondent died.

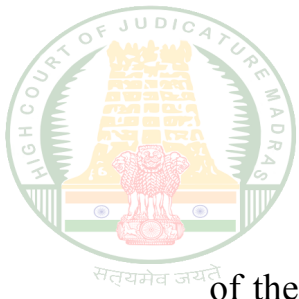
3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.



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4. Admittedly, the second respondent was working as Conductor in the petitioner Management. The allegation made against the second respondent by the petitioner is that during the time of inspection by the Checking Inspector, it was found that the second respondent received the ticket fare of Rs.14/- from the group of seven passengers, but he did not issue tickets to the passengers and when the cash bag was checked, it was found that there was an excess amount of Rs.3.75/-, whereas, in the explanation submitted by the second respondent to the charge memo and in his evidence, it has been stated that when the Checking Inspector entered into the bus for checking, the second respondent told the Checking Inspector that seven tickets have to be issued to seven passengers among 22 passengers. Further, it has been stated that after dismissal, the second respondent worked in the petitioner Transport Corporation from 10.11.2001 to 26.11.2001 and remitted the collection amount to the cashier of the petitioner Transport Corporation for the aforesaid period which has been proved by the second respondent by producing Ex.W1 to Ex.W17 receipts. Therefore, the Labour Court, considering the above facts and circumstances



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of the case, ordered for reinstatement which is perfectly in order. However, during the pendency of this writ petition, the second respondent died and therefore, ordering for reinstatement would not serve any purpose. Hence, this Court is inclined to modify the award passed by the Labour Court as follows:-

The petitioner Management is directed to calculate the terminal benefits of the second respondent and settle the same in favour of the legal heirs of the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

05.02.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To
The Presiding Officer,
Labour Court,
Cuddalore.



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M.DHANDAPANI, J.

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