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W.P. No.24143 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P. No.24143 of 2023
and WMP.No.23619 of 2023

1.The Managing Director
Tamil Nadu State Transport Corporation [VPM] Ltd.,
Villupuram - 605 602.

2.The General Manager
Tamil Nadu State Transport Corporation [VPM] Ltd.,
Kancheepuram Region
Ponnerikarai - 631 552.

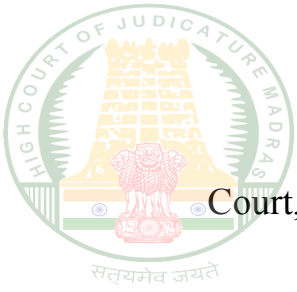
... Petitioners

Vs.

Tamil Nadu Arasu Pokkuvarathu Kazhagam [VPM] Ltd.,
Thozhilalar Munnetra Sangam
Represented by Thiru.M.Manibalan
Executive Committee Member
Labour Progressive Federation
No.2/447, GNT Road, Arambakkam & Post
Gummidipoondi Taluk
Thiruvallur District - 601 201.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, calling for the records pertaining to the
order in O.P.No.103 of 2020 dated 15.12.2022 by the III Additional Labour



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Court, Chennai and quash the same.

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For Petitioners : Mr.M.Aswin

For Respondent : Mr.T.Ramkumar

ORDER

The Managing Director and the General Manager of the Tamil Nadu State Transport Corporation, who are the respondents before the III Additional Labour Court, Chennai, has filed the above writ petition seeking to quash the order dated 15.12.2022 in O.P.No.103 of 2020, preferred by the Union.

2. The facts that led to the filing of the industrial dispute are briefly set out herein below :

- a) One Sivakumar was working as Conductor in the petitioner-Corporation in Ponneri Depot. On 04.08.2014, while the said Sivakumar was on duty in bus route No. T41, he had collected a sum of Rs.100/- from one passenger towards purchase of 5 tickets, who are travelling in a group of 5 persons, but had not issued the tickets. The Checking Inspector who had entered the bus at that time, had found an excess money in the cash bag of Sivakumar.



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Thereafter, he was charge sheeted and placed under suspension from 06.08.2014 to 03.09.2024, and subsequently, he was transferred to Thiruvallur Depot. For misappropriation of ticket fare, the charges were laid against Sivakumar and domestic enquiry was conducted. The Enquiry Officer also submitted his report that the charges levelled against him are proved.

- b) For the aforesaid misconduct and misappropriation, Sivakumar was imposed with a punishment of postponing his annual increment for three years with cumulative effect.
- c) The workman had submitted his explanation and the same was not found satisfactory. Hence, on 20.04.2017, the Management had passed its final order confirming the punishment of the workman.
- d) Thereafter, on 28.04.2017, Sivakumar preferred an appeal to the Managing Director, and by an order dated 29.09.2018, the appeal was dismissed.
- e) The workman Sivakumar had raised an industrial dispute and the Union was espousing his case, inter alia, a reference was made to the Tamil Nadu Government under Section 2(k) of the Industrial Disputes Act, 1947.



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f) Pursuant to the same, the Union had filed O.P.No.103 of 2020 before the III Additional Labour Court, Chennai, praying to cancel the order of Management, postponing the annual increment of R.Sivakumar with cumulative effect for three years and treating the suspension period as leave and to order for annual increment from the date of stoppage i.e., 01.05.2014 to the workman.

3. It is the contention of the employee-Sivakumar that during enquiry, he had requested to summon the passengers, but his request was turned down by the Enquiry Officer, which would prove that the enquiry was not conducted in a fair and proper manner. The Management had also managed to obtain a report from the Enquiry Officer to their liking and the same is nothing but an attempt to victimize Sivakumar, as he was actively involved in the activities of the Union. Therefore, he had raised an industrial dispute to cancel the aforesaid punishment and also to treat his suspension period as leave.

4. The Management had filed its counter in O.P.No,103 of 2020, contending that the domestic enquiry was conducted in a fair manner and the



charges levelled against the workman stood proved. Therefore, the workman was imposed with the punishment and no exception can be taken to the same, since the charges are grave misconduct.

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5. Before the Labour Court, the said Sivakumar was examined as W.W1, and Ex.W1 to Ex.W22 were marked on his side. Through the passenger Malarvizhi, who was examined as W.W2, exhibits Ex.W23 to Ex.W28 were marked. On the side of the Management, the Superintendent of the Management Corporation was examined as M.W1 and through him, Ex.M1 and ExM2 were marked. The Labour Court on considering the evidence on record, by its order dated 15.12.2022, had allowed the industrial dispute, holding that the demand of the Union on behalf of the workman, is justifiable and quashed the punishment order of the Management dated 20.04.2017 imposed on the workman, and it had also directed the Management to pay the annual increment to the workman from the date of stoppage i.e., 01.05.2014.

6. Challenging the said order of the Labour Court dated 15.12.2022,

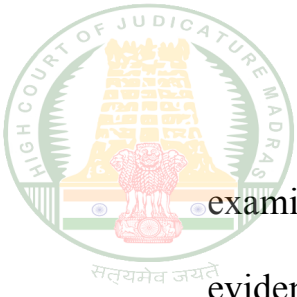


the above writ petition is filed by the Management-Corporation.

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7. Heard the learned counsels on either side.

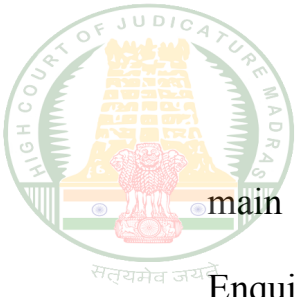
8.1 From a perusal of the order impugned, it appears that the domestic enquiry findings would indicate that the charges framed against the said Sivakumar was proved, and this is evident from Ex.W6, the report of the Enquiry Officer. The Labour Court had not relied upon the enquiry report, but had proceeded to independently consider the case of the workman. The charges against the said Sivakumar was framed on the basis of a complaint made by the passenger namely Malarvizhi, who had stated that despite receiving the money from her, she had not received the tickets from Sivakumar. Her contention is that she had given Rs.100/- to Sivakumar for purchase of 5 tickets, each ticket costs Rs.5/-. Therefore, she was entitled to receive 5 tickets, each costs Rs.5/-, totalling to Rs.25/- and the balance amount of Rs.75/- from the said Sivakumar. The said Sivakumar had neither issued the tickets nor returned the balance amount of Rs.75/-. However, though the charge is framed on the complaint made by Malarvizhi, neither the Malarvizhi nor the other passengers of the bus have been



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examined as witnesses during the domestic enquiry. Therefore, the best evidence has been kept away. Though the incident is said to have occurred on 04.08.2014, the domestic enquiry had commenced only on 02.08.2016, i.e., after a period of two years of the incident. There is no explanation for the said delay by the Management.

8.2 That apart, Malarvizhi who had been examined as W.W.2 and the complaint given by her was the fulcrum of the case, on the basis of which, the Management had charge sheeted the workman-Sivakumar. Before the Court, the said Malarvizhi had adduced that she had been forced by the Checking Inspector to submit a letter. She had also explained in her evidence that, non-issuance of the tickets to her was not deliberate, but only on account of the fact that after giving the money to the conductor, she had moved to the front side of the bus, and two persons who entered the bus in an inebriated state, had picked up quarrel with the conductor and after deboarding them from the bus and before the tickets could be issued to her, the checking inspector had entered the bus. Therefore, this statement clearly shows that there is no willful negligence on the part of said Sivakumar and that he has not voluntarily committed the misconduct as alleged. Once the



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main ground on which the charges are framed goes, the findings of the Enquiry Officer has to necessarily be rejected and the same has rightly been rejected by the Labour Court. The Labour Court has considered the evidence in detail and has come to the conclusion that the charges framed against the said Sivakumar, has not been proved. Since the charges have not been proved, the punishment imposed on the workman has to necessarily be set aside and the same is rightly set aside.

9. I see no reason to interfere with the considered order dated 15.12.2022, passed by the Additional Labour Court, Chennai in O.P.No.103 of 2020. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral Citation : Yes / No
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