



W.A.No.3028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.3028 of 2025

and

C.M.P.No.24499 of 2025

Kaliamoorthy
S/o.R.Thangavel

... Appellant

Vs.

1.The Management
Tamil Nadu State Transport Corporation
(Kumbakonam Division) Ltd.

2.The Presiding Officer
Labour Court
Cuddalore

... Respondents



W.A.No.3028 of 2025

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the orders passed by this Court in W.P.No.34605 of 2012 dated 15.10.2024.

For Appellant : Mr.Nedunchezhiyan
for Mr.T.Elumalai

For Respondents : Mr.M.Murali Vinoth - R1

JUDGMENT

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

On a set of proven charges that the appellant herein, who was entered into service as a conductor at that relevant point of time, had issued five tickets from the middle of a ticket book and had misappropriated the ticket fare, the respondent Corporation had imposed punishment of dismissal from service vide its order dated 25.01.2002.

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Challenging the said dismissal order, when he had raised an industrial dispute in I.D.No.29 of 2007, the Labour Court on the strength of the evidences before it, had confirmed the punishment of dismissal vide its award dated 28.06.2010. The challenge to this award before the learned Single Judge in W.P.No.34605 of 2012 was also confirmed on 15.10.2024, as against which the present Writ Appeal has been filed.

2.The learned counsel appearing for the appellant would submit that the punishment of dismissal was grossly disproportionate to the levelled charges and therefore sought for interference to the award of the Labour Court as well as the order impugned before this Bench.

3.Per contra, the learned standing counsel appearing for the Corporation submitted that this is not the first instance where disciplinary action has been initiated against the appellant. By placing reliance on the



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written instruction and on information, he submitted that the appellant was imposed with 51 punishments, on several occasions, from the year 1987 to 2001 and by taking into account of his past services, the punishment is proportionate to the charges.

4. With regard to the proportionateness of the punishment is concerned, we have perused the materials that were available before the enquiry officer, as well as the Labour Court. We find that to the explanations sought for from the appellant during the course of enquiry, though he had denied of having misappropriated the ticket fare to the tune of Rs.42/-, he had offered to pay back the amount. Such an offer may amount to an admission of the charges.

5. We are of the view that such an offer was made by the appellant /



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concerned conductor, with a fervent hope that a lesser punishment would be imposed on him. However, the major penalty of dismissal of service has been imposed on him, more particularly, in a case where he had not even let in any evidence before the enquiry officer to establish his case.

6.Insofar as the past records of the appellant is concerned, though it is claimed that he was imposed with a penalty on 51 occasions, we find that among the 51 punishments, 47 of them appears to be for very minor dereliction of duties and the penalty imposed were also minor penalties. It is only on four occasions, he has been imposed with a major penalty of stoppage of increments, for the charges of having collected the ticket fare, but failed to issue tickets. For a similar charge on another occasion, he was severely reprimanded. Merely because he was inflicted with 51 penalties, we find almost all of them to be very trivial dereliction of duties, which cannot be taken as an adverse service record for the purpose



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of holding that the punishments are proportionate to the charges. Thus, on a cumulative consideration of our observations recorded above, we are of the view that the punishment of dismissal from service may be grossly disproportionate to the levelled charges and hence we are inclined to interfere with the same.

7.Now that the appellant herein has reached the age of superannuation in the month of August 2014, we are of the view that if the punishment of dismissal is modified to one of compulsory retirement, the ends of justice could be secured.

8.Accordingly, the order passed in I.D.No.29 of 2007, as well the order passed in W.P.No.34605 of 2012 are set aside. Consequently, the punishment of dismissal dated 25.01.2002 is directed to be modified into one of compulsory retirement. The respondents herein shall forthwith



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pass appropriate orders, for such modified punishment / compulsory retirement and consequently, disburse all the monetary and pensionary benefits to the appellant, as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this order.

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

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9.In the result, the Writ Appeal stands partly allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.] [R.S.V, J.]
25.11.2025

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Index: Yes / No

Neutral Citation

Speaking / Non Speaking

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To.

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