



W.P(MD)Nos.3340 & 6601 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.3340 & 6601 of 2021 and
WMP(MD) Nos.2688 & 5111 of 2021

W.P(MD)No.3340 of 2021:-

Vaithiyanathan. V

... Petitioner

Vs

The Management of Tamilnadu State Transport Corporation
(Kumbakonam) Ltd,
Rep. by its Managing Director,
Kumbakonam.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records from the Labour Court, Kumbakonam, relating to the impugned award dated, 06.03.2020 in I.D.No.118 of 2018, quash the same insofar as denying continuity of service, back wages and all other attendant benefits to the petitioner and consequently to direct the respondent to pay the same to him, along with terminal and pension benefits for his entire service period from 18.02.1994 to 31.05.2019 award cost.



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For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.P.M.Vishnuvarthanan

W.P(MD)No.6601 of 2021:-

The Administration,
Tamil Nadu State Transport Corporation
Kumbakonam Division Ltd.,
Kumbakonam.

... Petitioner

Vs

V.Vaidyanathan

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned Award passed in I.D.No. 118 of 2018, dated 06.03.2020, on the file of Labour Court, Kumbakonam, Thanjavur District and quash the same as illegal.

For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondent : Mr.S.Arunachalam

COMMON ORDER

The petitioner in W.P(MD)No.3340 of 2021 was appointed as a Conductor in the Tamilnadu State Transport



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Corporation (Kumbakonam) Ltd, Kumbakonam on 18.02.1994. On 27.12.2003, he was issued with a charge memo that he has failed to issue ticket to one of the passengers in a group of three and thereby, he has misappropriated a sum of Rs.42/- and he has refused to sign the documents. After conducting an enquiry, he was dismissed from service on 03.06.2004. The Transport Corporation has filed an application, under Section 33(2)(b) of the Industrial Disputes Act, 1947, before the Joint Commissioner of Labour (Conciliation), Chennai, for approval of the order of dismissal of the workman. The Authority has refused to approve the order of dismissal passed by the Transport Corporation, vide his order, dated 16.02.2006 in A.P.No.156 of 2004. Aggrieved over the same, the Management has preferred a writ petition before this Court in WP(MD)No. 3296 of 2007 and the same was allowed by this Court, by order, dated 03.01.2012 and the order of dismissal has been confirmed by this Court. Thereafter, the workman has raised the Industrial Dispute before the Labour Court, Cuddalore, under Section 2A of the Industrial Disputes Act and the said Industrial Dispute was



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entertained and transferred to the Labour Court, Kumbakonam and decided in ID No. 118 of 2018, on 06.03.2020. While deciding the Industrial Dispute, the Labour Court has taken into consideration of the fact that the workman has attained the age of superannuation on 31.05.2009 and directed the Management to pay the terminal benefits due to him, however, without any back wages and other benefits. Challenging the award passed by the Labour Court, in I.D.No.118 of 2018, dated 06.03.2020, the workman has preferred a writ petition before this Court in WP(MD) No.3401 of 2021 and the Management has preferred a writ petition in WP (MD) No.6601 of 2021.

2.Since both these writ petitions are arising out of the award passed by the Labour Court, Kumbakonam in I.D.No.118 of 2018, dated 06.03.2020, both these writ petitions are taken up together and disposed by this common order.



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3.The learned counsel appearing for the workman submits that the Labour Court, while passing an award in ID No.118 of 2018, dated 06.03.2020, directed the Management to pay the terminal benefits to the Workman, however, there is no clarity as to whether he is entitled for other terminal benefits also. In the absence of such clarity, there is a possibility of denial of pension benefits to him. Therefore, the learned counsel submits that the Labour Court ought to have clarified on the benefits entitled for the workman. The learned counsel also pointed out that though the Management has issued four charges as against this workman, charges 1, 3 and 4 were not proved. The second charge alone was taken into consideration by the Labour Court, while passing the award. The second charge is that there was shortage of Rs.79.50/- with the workman at the time of inspection. According to the learned counsel, this workman is entitled for batta and he is supposed to make payment at the time of settling the collection amount at the end of the day. Therefore, the shortage of amount with the conductor at that point of time cannot be taken as a serious delinquency, for imposing an order of



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punishment of dismissal from service. He also submits that the checking Inspector has issued a ticket on his own that the workman has failed to issue a ticket to one of the passenger, which is the first charge and that amount of Rs.42/- was also taken into account for this deficit amount. The first charge has not been proved by the Management. Therefore, according to the learned counsel, there was a shortage of Rs.25/- and this shortage amount can be taken into account, if he fail to make the entire collection amount before the Management at the end of the day. Therefore, according to the learned counsel, the punishment imposed as against the workman for this delinquency is excessive and it has to be revisited and his period of service has to be taken into account and he must be provided with the pension benefits also.

4.The learned Standing Counsel appearing for the Management submits that the workman has failed to issue one ticket to a group of three persons, thereby, he has misappropriated a sum of Rs.42/-. Apart from that, there was a shortage of Rs.79/-. Therefore,



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the checking inspector has prepared a statement from the passenger and directed the workman to sign in the Muchalika and other inspection records. However, the workman has refused to sign the records. That apart, he has created a bad image to the Management. Therefore, he was issued with the fourth charge and the charges were found to be proved after the enquiry. After issuing the second show cause notice and following all other procedures, the punishment of dismissal from service was imposed on the workman. While imposing the punishment, the Management has also taken into account his past conduct. According to the learned counsel, the workman was punished for 33 delinquencies in the past, among which, 4 are similar delinquencies. He was, in fact imposed with lenient punishment in earlier occasions, however, even thereafter, he has not changed his attitude and he was repeatedly committing such mistakes. Therefore, his past conduct was also taken into consideration for imposing such a major punishment of dismissal from service on him.



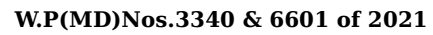
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5.The learned counsel further submits that this Court has also approved the order of dismissal in WP(MD) No. 3296 of 2007 by its order dated 03.01.2012. Without considering the same, the Labour Court has erroneously passed an award that the workman is entitled for terminal benefits. Once the order of approval on the order of dismissal has been passed by this Court, the workman is not entitled for any benefits including the terminal benefits.

6.This Court considered the rival submissions made and also perused the materials placed on record.

7.The workman/ a conductor, who was working in the Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Kumbakonam was issued with a charge memo on 27.12.2003, based on the report of the checking Inspector, dated 25.11.2003. The charges are as under:-



Charge No.4:-Thereby, he has created a bad image to the Management.

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guidelines issued by the Honourable Supreme Court in *Delhi Cloth and General Mills Co Vs. Ludh Budh Singh*, reported in (1972) 1 SCC 595, has allowed that writ petition and set aside the order passed by the Joint Commissioner of Labour and approved the order of dismissal. However, while approving the order of dismissal, this Court has also pointed out that the workman is having a remedy to raise an industrial dispute, under section 2A(2) of the Industrial Disputes Act. Accordingly, the workman has raised the Industrial Dispute, before the Labour Court in ID No.118 of 2018. At the time of disposing the industrial dispute, the Workman has attained the age of superannuation and therefore, the Labour Court has disposed of that industrial dispute, directing the Management to pay the terminal benefits due to the workman. However, the back wages and all other attendant benefits were denied to the workman.

8. Totally four charges have been levelled as against the workman. The first charge is that he has failed to issue ticket to one person in a group of three and thereby, he has misappropriated a sum



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of Rs.42/-. As per the award passed by the Labour Court in I.D.No. 118 of 2018, this first charge was not found to be proved by the Management, on the ground that the passenger was not examined as witness. The learned counsel for the Management by relying on the statement of the passenger submits that the passenger has given her statement at the time of inspection and no passenger would come forward to depose for such incidents, by leaving their other works and therefore non-examination of the passenger cannot be construed as that of a failure on the part of the Management to prove the charge. However, in this case, the workman has made a request, by way of a letter to that passenger, whose statement has been recorded by the Management. However, the same was returned as "no such person". Therefore, the Labour Court has rightly found that the first charge has not been proved.

9.The second charge is that there was a shortage of Rs.79.50/- in his cash bag at the time of inspection. The Labour Court has held that the workman has not disputed the second charge,



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by way of any evidence or documents and therefore, for this shortage of amount, the workman is held responsible. The Management claims that the charges 3 and 4 were proved by the Management. The charges 3 & 4 are that the workman has refused to sign the records and also threatened the driver not to affix the witness signature in the documents. Thereby, he has created a bad image to the Management. It appears that the Management has not initiated any disciplinary proceedings as against the similar conduct of the driver, by initiating any departmental proceedings. Therefore, this Court is of the view that the third charge was not proved. Considering the manner in which the charges 1 and 3 were not proved, the fourth charge also automatically goes. The only charge which was proved by the Management is that there was a shortage of Rs.79.50 in his cash bag at the time of inspection on 25.11.2003. On the very same delinquency, the workman was imposed with a maximum punishment of stoppage of increment for a period of six months.



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10.The learned counsel for the Management has brought to the notice of this Court that it is not the first time, the workman was found with shortage of amount and imposed with punishment. The workman was imposed with punishments for similar charges in the previous occasions also and the same is as under:-

Sl.No	Date	Offence	Punishment
1.	11.08.1996	Shortage of collection amount Rs.112.30/-	Stoppage of increment for three months with cumulative effect.
2.	08.02.1997	Shortage of collection amount Rs.103.20/-	Stoppage of increment for six months with cumulative effect.
3.	21.05.1998	Issuance of ticket at lower rater, however, collected the correct ticket amount, misappropriated the difference amount	Stoppage of increment for six months with cumulative effect.
4.	10.04.2001	Shortage of collection amount Rs.101.45/-	Fine of Rs.100/-
5.	02.09.2002	Shortage of collection amount Rs.119.70/-	Stoppage of increment for six months with cumulative effect.

Though lenient punishments were imposed for this nature of delinquencies in the past, the workman has not realized his mistake



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and also repeating the same for years together. In view of the above, the Labour Court has initially come to the conclusion that the order of dismissal imposed on the workman is justifiable, however, considering that he has attained the age of superannuation on 31.05.2019, ordered for terminal benefits.

11. In view of the foregoing reasons and discussions and considering the report filed by the Management as to the number of delinquencies committed by the workman from the year 1994 till 2003, these writ petitions are disposed of as under:

- i. There shall be an order of punishment of stoppage of increment for a period of one year to the Workman.
- ii. The workman is entitled for all terminal benefits including the pension benefits from the date of dismissal till his date of superannuation.



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iii. He is not entitled for any back wages and other attendant benefits from the date of dismissal till the date of his superannuation.

No costs. Consequently, connected Miscellaneous petitions are closed.

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Internet: Yes
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To

The Management of Tamilnadu State Transport Corporation
(Kumbakonam) Ltd,
Rep. by its Managing Director,
Kumbakonam.



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B.PUGALENDHI, J.

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Commom Order made in
W.P(MD)Nos.3340 & 6601 of 2021 and
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