



W.P(MD)No.7271 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7271 of 2021 and
WMP(MD) No.5540 of 2021

The Management,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Ranithottam,
Nagercoil,
Kanyakumari District. ... Petitioner

Vs

The General Secretary,
Tamil Nadu State Transport Employees
Union, Ranithottam , Nagercoil,
Kanyakumari District. ...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, by calling for the records relating to the impugned order passed by the Labour Court , Tirunelveli dated 12.06.2020 passed in I.D.No.122 of 2018.

For Petitioner : Mr.R.Rajamohan.
For Respondent : Mr.R.Thangasamy



W.P(MD)No.7271 of 2021

ORDER

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The Management of the Transport Corporation has preferred this writ petition as against the order passed by the Labour Court in ID.No.122 of 2018, dated 12.06.2020.

2.The respondent herein is the General Secretary of a Union, namely, Tamil Nadu State Transport Employees Union, representing one of its members/employees, who worked as an Assistant in Computer section, namely, P.Gobalakrishnan, under the petitioner Management. When the Audit Committee inspected the tickets for the month of June 2009, they found that 5150 moffusil spare tickets were missing, thereby a loss of Rs.18,02,350/- has been caused to the petitioner Management. Therefore, a departmental proceedings has been initiated as against the said Gobalakrishnan and a punishment of stoppage of increment with cumulative effect was imposed against him, by order, dated 01.02.2011. Apart from the departmental proceedings, a criminal case in Crime No.29 of 2009 has also been registered by the District Crime Branch,



W.P(MD)No.7271 of 2021

Kanyakumari District, as against him, in this regard. Challenging the order of punishment, the respondent has initiated ID No.122 of 2018 before the Labour Court, Tirunelveli, on behalf of its member/employee and the same was allowed in favour of the employee.

3.The learned counsel for the petitioner Management submits that the Labour Court has erred in holding that Audit Committee has conducted an inspection on 30.06.2009 and found missing of 5150 tickets and during the relevant period, the delinquent was on leave and therefore, he cannot be held liable for the loss caused to the Management. He further submits that since the delinquent was working in computer section, he is responsible for missing of the tickets. He has raised the Industrial Dispute after seven long years from the date of punishment and therefore, the order passed by the Labour Court is perverse and it has to be set aside.



W.P(MD)No.7271 of 2021

4.The learned counsel for the respondent / Employees

WEB COURT

Union submits that its member, Gobalakrishnan, who was working in Computer section has availed leave from 13.06.2009 to 20.07.2009 with prior permission and he has uploaded the tickets in the computer even on 24.05.2009. Moreover, while he was on duty, these tickets were shown in the daily reconciliation statement prepared on 29.09.2009, however, an enquiry was ordered and without considering the explanation offered by the said Gobalakrishnan and the daily stock reconciliation statement from 26.06.2009 to 30.06.2009, the order of punishment has been imposed by the Management. In the Industrial Dispute preferred by the respondent on behalf its member/Gobalakrishnan, the Labour Court has taken into consideration of the leave availed by the said Gobalakrishnan and the daily stock reconciliation statement and has come to the conclusion that the order of punishment, dated 01.02.2011 is illegal and also set aside the same. Therefore, there is no need to interfere with the order passed by the Labour Court in ID.No.122 of 2018.



W.P(MD)No.7271 of 2021

5.This Court considered the rival submissions made and

also perused the materials placed on record.

6.A departmental proceedings has been initiated as against one P.Gobalakrishnan, who was working as an Assistant in Computer section of the petitioner Management that 5150 numbers of tickets have been found missing and thereby, he caused a loss of Rs.18,02,350/- to the petitioner Management, for which, he was imposed with a punishment of stoppage of increment for a period of one year with cumulative effect. Challenging the same, the respondent Employees Union has raised Industrial Dispute on behalf of the employee in I.D.No.122 of 2018 and the same was allowed by the Labour Court, Tirunelveli, by setting aside the order of punishment and the same is under challenge in this writ petition. The petitioner Management has not taken any valid grounds to set aside the order passed by the Labour Court. In the order passed by the Labour Court in I.D.No.122 of 2018, the Labour Court, by taking into consideration of the facts that during the relevant period of audit, the employee/Gobalakrishnan was on leave with prior



W.P(MD)No.7271 of 2021

permission and also considering the daily stock reconciliation statement from 26.06.2009 to 30.06.2009, has set aside the order of punishment imposed on Gobalakrishnan. In view of the above, this Court does not find any infirmity in the order passed by the Labour Court in ID. No.122 of 2018, dated 12.06.2020.

7.Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.09.2025

Index:Yes
Internet:Yes
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To

The General Secretary,
Tamil Nadu State Transport Employees
Union, Ranithottam , Nagercoil,
Kanyakumari District.



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W.P(MD)No.7271 of 2021

B.PUGALENDHI, J.

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