

WP(MD)No.7891 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.7891 of 2021

M.Chellasamy

...Petitioner

Vs

**The Management,
Tamil Nadu State Transport Corporation,
(Madurai) Ltd,
By-pass road, Madurai.**

...Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of calling for the records relating to the award passed by the Labour Court in ID No.46 of 2017, dated 01.10.2019 and quash the same and direct the respondent to provide consequential service benefits and monetary benefits.

For Petitioner : Mr.Sharavanan.A.MU.

For Respondent : Mr.S.C.Herold Singh



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ORDER

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The petitioner erstwhile conductor of the respondent transport corporation has filed this writ petition as against the award passed by the Labour Court, Madurai in ID No.46 of 2017 dated 01.10.2019.

2. The petitioner was issued with a charge memo that there was a shortage of Rs.496/- in the collection amount at the time of inspection and the petitioner had not issued tickets for two luggage. The transport corporation had conducted an enquiry and imposed punishment of reduction of three stages in basic pay and increment cut for three years. As against the order of punishment on behalf of the petitioner, the union had raised the industrial dispute in ID No.46 of 2017 before the Labour Court, Madurai and it was dismissed by award dated 01.10.2019 that as per Ex.W1 there was a deficit of Rs.496/- in the collection and the petitioner had not issued tickets for two luggage, which was detected by the checking inspector and the same had been sufficiently proved.



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3.The learned counsel for the petitioner submits that at the time of checking there were 66 ½ passengers travelling in the bus and he was not permitted to issue tickets for the luggage. He had issued tickets to all the passengers. However before issuing tickets for those luggage, checking inspectors had entered into the bus and had prevented him from issuing tickets and had also reported that the petitioner had failed to issue tickets for the luggage. The learned counsel further submits that the checking inspector had boarded the bus at the entrance of Vendasandur, luggage were loaded at Dindigul Flower Market, near Dindigul. The petitioner had issued tickets to all the passengers. The luggage fare from Dindigul to Karur is only Rs.44/- and for these two flower baskets it is Rs.88/-. However, the checking inspectors had noted that the fare for two luggage Rs.120/- had not been collected by the petitioner. He also submits that the person who gave the basic report was not examined during the domestic enquiry. However, the enquiry officer has given a finding that is also confirmed by the Labour Court.

4.The learned counsel submits that there is no mode of punishment of reduction of three stages in basic pay and increment cut for three years



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in the standing orders and further, the punishment which has not been prescribed in the standing order has been imposed on the petitioner.

In this regard, the learned counsel has relied on the judgment of the Hon'ble Supreme Court in ***Vijay Singh Vs State of Uttar Pradesh and Ors*** reported in ***AIR 2012 5 SCC*** and submits that the order of punishment outside the purview of the standing orders is of nullity.

5.The learned standing counsel appearing for the respondent corporation submits that there was a shortage of Rs.496/- and tickets were not issued by the petitioner for two luggage. He further submits that the petitioner had been in the habit of indulging such delinquency and he had been imposed with punishment twelve times for his misconduct. Even subsequent to this misconduct, the petitioner has indulged in similar act and he has been dismissed from service for his delinquencies. He has produced the details of the punishment imposed on the petitioner.

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



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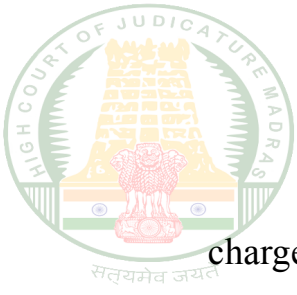
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7.The petitioner was imposed with punishment of reduction of three stages in basic pay and increment cut for three years. Admittedly this type of punishment is not contemplated in the standing orders of the respondent corporation. The Hon'ble Supreme Court in ***Vijay Singh Vs State of Uttar Pradesh and Ors*** reported in ***AIR 2012 5 SCC***, has raised an issue as to whether the disciplinary authority can impose punishment not prescribed in the statutory rules after holding disciplinary proceedings, has answered as under:

“11. Imposing the punishment for a proved delinquency is regulated and controlled by the statutory rules. Therefore, while performing the quasi-judicial functions, the authority is not permitted to ignore the statutory rules under which punishment is to be imposed. The disciplinary authority is bound to give strict adherence to the said rules.

Thus, the order of punishment being outside the purview of the statutory rules is a nullity and cannot be enforced against the appellant.”

8.The petitioner was also imposed with another punishment on the similar charge that he failed to issue ticket for luggage on 04.08.2022 and he was imposed with punishment of Rs.200/- as penalty. On a similar



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charge that too taken place in the year 2022, the petitioner was imposed with the penalty of Rs.200/-, whereas for the delinquency committed on 11.05.2013, the petitioner was imposed with a punishment of three stage reduction in basic pay and increment cut for three years.

9.In view of the judgment of the Hon'ble Supreme Court cited supra, this court is of the view that the punishment imposed by the respondent corporation, which is not prescribed in the standing orders is void and nullity. Therefore, this petition deserves to be allowed. At this stage, the learned standing counsel has requested this court to remit the matter for conducting enquiry and to impose punishment as per the standing orders.

10.The petitioner was imposed with the penalty of Rs.200/- for his similar delinquency in the year 2022 and therefore, this court instead of remitting the matter, modifies the punishment of three stage reduction in basic pay and increment cut for three years, as of penalty of Rs.200/-.



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This writ petition is allowed in the above terms. No costs.

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DSK

To

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B.PUGALENDHI.J.,

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