



W.A(MD)No.1065 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.04.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A.(MD)No.1065 of 2020

and

C.M.P(MD)No.5844 of 2020

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai Division-IV),
Bye Pass Road,
Dindigul.

Now Known as Tamil Nadu State Transport Corporation Madurai Ltd.,
Bye Pass Road,
Madurai – 625 016.

... Appellant/ 2nd Respondent

Vs.

1.The Presiding Officer
Labour Court,
Trichy.

... 1st Respondent/ 1st Respondent

2.K.Dhanasekara Pandian

... 2nd Respondent / Petitioner



W.A(MD)No.1065 of 2020

Prayer: This Writ Appeal is filed under Clause XV of Letters Patent, to set aside the order passed in W.P(MD).No.14790 of 2010 dated 04.06.2019 on the file of this Court.

For Appellant : Mr.J.Senthil Kumaraiah

For Respondents : Mr.K.Gokul – for R2

Labour Court – R1

JUDGMENT

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

It is a very pathetic case of a Driver, who had been imposed capital punishment of dismissal from service for not accounting ticket worth about Rs.27/-. The learned Single Judge having considered the facts of the case and the disproportional punishment imposed on the respondent had allowed his writ petition. But set aside the impugned order of dismissal with a direction to reinstate him with continuity of service but without back-wages.



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2. Being aggrieved the Managing Director, Tamil Nadu State

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Transport Corporation, has preferred the writ appeal stating that the respondent is a habitual delinquent and he had earlier involved in certain misconducts and suffered punishment. Citing the judgment of the Hon'ble Supreme Court rendered in *Divisional Controller, KSRTC (NWKRTC) Vs. A.T.Mane* reported in *2005(3) SCC 254* wherein, the Hon'ble Supreme Court had held that a Bus Conductor who had been entrusted with the responsibility of protecting the financial interest of the Corporation if loses confident or faith of the employee termination is permissible and justifiable.

3. After hearing the learned Standing Counsel for the appellant and the learned counsel for the respondent and on perusal of the records, this Court finds that the non-accounting of three numbers Rs.9/- ticket appears to be due to fatigueness, since on that particular day the respondent was continuously working for more than 9 hours and the inspection was conducted in the fag end of the day. Further more. it is not the case of the Department that he has sold the ticket and misappropriate the money. The allegation is that he has not made entry in the trip sheet.



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4. This Court also ascertain from the learned Standing

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Counsel appearing for the appellant that for his previous misconduct the respondent being already been punished and those misconducts were not similar to what he had now been terminated from service. Therefore, a person cannot be punished twice for the same misconduct. For non-accounting of Rs.27/- capital punishment of dismissal of service is highly disproportionate. Hence, the order of the learned Single Judge has to be upheld and confirmed.

5. Accordingly, this Writ Appeal stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[G.J., J.] [R.P., J.]
24.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To
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Trichy.



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and
R.POORNIMA, J.

RM

Judgment made in
W.A.(MD)No.1065 of 2020

24.04.2025