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W.A(MD)Nos.1073, 1173 & 1175 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

W.A(MD)Nos.1073, 1173 & 1175 of 2022

W.A(MD)No.1073 of 2022:

D.Shanmugam

... Appellant /
Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Division – III,
Karaikudi Region,
Maruthupathi,
Managiri,
Karaikudi – 630 307.

... Respondents /
Respondents



Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order dated 07.04.2022 in W.P(MD)No.6720 of 2019 and allow the writ appeal.

For Appellant : Mr.M.Vedanarayanan

For Respondents : Mr.K.Jagadeesbalan
Standing Counsel

W.A(MD)No.1173 of 2022:

M.Sridhar

... Appellant /
Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Division – III,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi – 630 307.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order dated 07.04.2022 in W.P(MD)No.6722 of 2019 and allow the writ appeal.



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W.A(MD)Nos.1073, 1173 & 1175 of 2022

For Appellant : Mr.M.Vedananarayanan

For Respondents : Mr.K.Jagadeesbalan
Standing Counsel

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W.A(MD)No.1175 of 2022:

K.Nagarajan

... Appellant /
Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Division – III,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi – 630 307.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order dated 07.04.2022 in W.P(MD)No.6721 of 2019 and allow the writ appeal.

For Appellant : Mr.M.Vedananarayanan

For Respondents : Mr.K.Jagadeesbalan
Standing Counsel

**COMMON JUDGMENT**

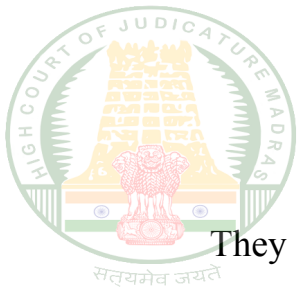
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(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellants herein were employed as Drivers in TNSSTC Kumbakonam Limited, Kumbakonam. After they had put in several years of service, the Management had a doubt if the educational certificate produced by them at the time of joining service were genuine or bogus. Domestic enquiry was conducted and ultimately vide orders dated 02.02.2019, the appellants herein were dismissed from service. Challenging the same, the appellants filed W.P(MD)Nos.6720, 6721 and 6722 of 2019. The learned Single Judge vide order dated 07.04.2022, relegated the appellants herein to go before the jurisdictional Labour Court. Challenging the same, these Writ Appeals have been filed.

3.When the matter was taken up for hearing, the learned counsel appearing for the appellants drew out attention to the order dated 27.04.2023 made in W.P(MD)Nos.6527, 6528 and 6529 of 2019. The writ petitioners therein had also served in the Corporation as a Drivers.



They also met a similar fate like the appellants herein. On 02.02.2019, they were also dismissed from service. Those writ petitions were disposed of by modifying the punishment of dismissal to one of compulsory retirement. Questioning one such order made in W.P(MD)No.6529 of 2019, the Management filed W.A(MD)No.1788 of 2024. The writ appeal was dismissed on 15.10.2024 as follows:

“The challenge in this writ appeal is to the order of the writ Court made in W.P.(MD)No.6529 of 2019.

2. The writ Court had allowed the said writ petition filed by the workman on the ground that the delinquency alleged, namely, production of false education certificate has not been proved by the Corporation. The writ Court has modified the punishment of dismissal from service into one of compulsory retirement and directed payment of the emoluments that the petitioner in the writ petition would be entitled to.

3. Mr.S.C.Herold Singh, learned counsel appearing for the appellant corporation would vehemently contend that once it is found that the education certificate is not genuine, the Court ought not to have modified the punishment.

4. This issue is no longer res integra. Several employees of this corporation, challenged the proceedings accusing them of production of false



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certificates and in one such case, this Court directed reinstatement of the employee in W.A.(MD)No.600 of 2010. The said order was challenged before the Hon'ble Supreme Court and the SLP was dismissed. The Division Bench while disposing of the appeal had categorically held that unless the corporation is able to show positively that the certificate is not genuine, imposition of punishment on the ground of production of false certificate cannot be sustained.

5. The learned single Judge has only given the benefit of doubt to the employee, since the Headmaster of the school who was examined has said he could not recollect as the records are not available. The respondent has joined the services of the corporation in 1997 and had worked till his retirement on 02.02.2019. In the absence of proof of bogusness of the certificates, it would be improper to sustain the punishment of dismissal from service.

6. We therefore, do not find any reason to interfere with the order of the writ Court. The Writ Appeal fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.”

The other writ appeals filed by the Management against the order dated 27.04.2023 also met the same fate.



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4.We are more than satisfied that the appellants herein are similarly placed. There is absolutely no distinguishing feature. We are therefore inclined to adopt the very same approach. Punishment orders dated 02.02.2019 imposed on the writ appellants are modified and the appellants will be treated as compulsory retired on 02.02.2019. They will be entitled to the very same benefits as conferred vide order dated 27.04.2023 in W.P(MD)No.6527 of 2019 etc.

5.These Writ Appeals are disposed of accordingly. No costs.

[G.R.S., J.] [R.P., J.]
23.01.2025

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

To

1.The Managing Director,
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Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
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W.A(MD)Nos.1073, 1173 & 1175 of 2022

G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

MGA

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Division – III,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi – 630 307.

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