



W.A(MD)No.335 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 24.07.2025

Pronounced On : 31.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A(MD)No.335 of 2020
and
W.M.P.(MD)No.2281 of 2020**

The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region
Karaikudi.

... Appellant / 1st Respondent

Vs.

1. R. Thesingu Pandi
S/o Raman
Koneri, Nallirukkai Post,
T.U. Mangai Via.,
Ramathapuram District.

... 1st Respondent / Petitioner

2. The Presiding Officer
Labour Court,
Madurai.

... 2nd Respondent / 2nd Respondent

PRAYER in W.A: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P. (MD) No.13448 of 2014 dated 08.03.2018 and allow the Writ Appeal and thus render justice.



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PRAYER in C.M.P.: To stay the operation of the order passed in WP (MD) No. 13448 of 2014 dated 08.03.2018 till the disposal of the above Writ Appeal and thus render justice.

For Appellant : Mr.A.M.B.Mathubalan
For Mr.K.Ramaiah

For Respondents : Mr.K.Mahendran for R1
: R2- Labour Court

JUDGMENT

[Judgment of the Court was made by DR.A.D.MARIA CLETE J.]

Heard.

2. This writ appeal is filed by the Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Karaikudi Region, challenging the order dated 08.03.2018 passed by the learned Single Judge in W.P.(MD) No. 13448 of 2014, whereby the learned Single Judge interfered with the award passed by the Labour Court, Madurai, in I.D. No. 11 of 2009 dated 19.04.2012, and granted additional relief beyond what was awarded by the Labour Court.



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3. The first respondent, employed as a Conductor with the appellant Corporation, was initially appointed on 01.08.1996 and regularised from 15.08.1997. On 06.04.2004, during duty on the Thayamangalam – Ramnad route, a surprise inspection revealed that the first respondent had reissued a used ticket valued at Rs.13/- instead of issuing a fresh ticket for Rs.10/-, and allegedly reclaimed the ticket after the passenger alighted.

4. Pursuant to this incident, he was suspended on 14.04.2004. A domestic inquiry was initiated, and the Inquiry Officer, by report dated 28.05.2004, found the charges proved. The Corporation issued a second show cause notice proposing dismissal, citing nine prior instances of misconduct.

5. After considering his explanation dated 11.08.2004, the Corporation dismissed him from service by order dated 17.12.2004. Instead of raising an industrial dispute, he filed W.P. No. 5563 of 2005, which was disposed of on 05.07.2005, with a direction to consider his appeal.



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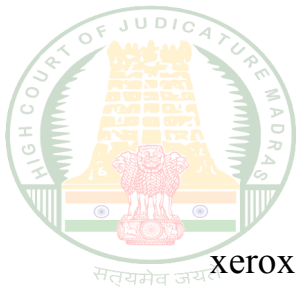
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6. The Managing Director rejected the appeal on 18.10.2005.

Thereafter, the respondent raised an industrial dispute. A failure report was issued on 11.10.2008. He filed a claim under Section 2A(2) of the Industrial Disputes Act before the Labour Court, Madurai, which took up the dispute as I.D. No. 11 of 2009.

7. The Corporation filed its counter. The respondent did not dispute the fairness of the inquiry. The Labour Court, in para 7 of its award dated 19.04.2012, held the inquiry was properly conducted.

8. The Labour Court, in its award, recorded that the workman admitted to issuing a ticket of Rs.13/- instead of Rs.10/- and had not properly recorded it in the invoice. While noting that he had a pattern of remitting lesser amounts, it observed there was no prior instance of reissuing old tickets. It acknowledged the absence of limitation under the ID Act but stated that delayed petitions can be considered with moulded relief. Despite upholding the fairness of the inquiry and the finding of misconduct, the Labour Court faulted the Corporation for producing



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xerox copies of documents without proper stamping. This is contradictory. Both parties had submitted exhibits - 10 by the workman and 13 by the Corporation, which were relied upon to affirm the inquiry's validity. Rule 39 of the Tamil Nadu Industrial Disputes Rules, 1958, allows flexible evidentiary procedures, but the Labour Court's subsequent evidentiary objections contradict its earlier reliance on the same documents.

9. Having upheld the fairness of the inquiry and the establishment of misconduct, the Labour Court apparently exercised its discretion by ordering reinstatement but denying back wages and other attendant benefits for the period of non-employment. While the propriety of this relief may be questionable, it is not under challenge before us as the Corporation did not file any writ petition against the award.

10. On the other hand, after a lapse of one year from the date of the award, the appellant Corporation, by order dated 10.04.2013, reinstated the first respondent. The order of reinstatement contained the following terms:



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“You are reinstated as Conductor subject to the following conditions:

(1) You are reinstated as conductor at RAMNAD (MOF) Branch w.e.f. 10.04.13 in the basic pay of Rs.5200/- Grade Pay of Rs.1600/- in the Pay Band of Rs.5200-20200 with continuity of service except the period from the date of dismissal till the date raising dispute before the Labour Officer, and without back wages and other benefits in the minimum scale of pay after entering into 18(1) settlement.”

11. The first respondent filed W.P.(MD) No. 13448 of 2014 nearly one year later, seeking to quash the denial of full continuity and back wages. The affidavit lacked any clear legal basis or citation of precedent.

12. The respondent did not address the settled legal position that Conductors, who engage in dishonest acts such as reissuing used tickets, are not entitled to reinstatement, regardless of the monetary value involved.

13. The Supreme Court, in *Karnataka State Road Transport Corporation v. B.S. Hullikatti*, reported in (2001) 2 SCC 574, held that conductors act in fiduciary capacity and failure to issue correct tickets amounts to gross misconduct.



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14. Despite representation by counsel, no binding precedent was placed before the learned Single Judge. The judgment lacks any legal analysis on this issue.

15. The learned Single Judge allowed the writ petition partly and held that denial of continuity of service for the disputed period was unjustified and would cause a break in service, while denying back wages.

16. It is disconcerting that neither the Labour Court nor the learned Single Judge applied the appropriate legal standards while dealing with proven misconduct involving moral turpitude. The Labour Court, despite affirming the fairness of the inquiry and recording a finding of guilt, exercised discretion under Section 11A of the Industrial Disputes Act to order reinstatement. This was plainly impermissible in light of consistent Supreme Court authority, which has held that in cases involving dishonest conduct by conductors, such as reissuing used tickets after collecting fresh fare, the breach of fiduciary trust, not the quantum misappropriated, is determinative.



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17. Instead of correcting the Labour Court's misapplication of discretion, the learned Single Judge compounded the error by extending the benefit of continuity of service for the period between dismissal and raising of the industrial dispute. The Labour Court had consciously excluded this period. The learned Single Judge justified interference solely on the ground that denial would lead to a break in service. This disregards binding precedent and the statutory limits on writ jurisdiction. Once the Labour Court granted partial relief based on proven misconduct, the writ Court could not re-open and enhance it on equitable considerations alone. Such a second-tier intervention disturbs finality and results in an order that is legally unsustainable.

18. In these circumstances, the order of the learned Single Judge in W.P.(MD) No. 13448 of 2014, cannot be sustained. Once the management accepted and implemented the award without challenge, the first respondent cannot invoke writ jurisdiction to secure enhanced relief.



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19. Accordingly, the order passed in W.P.(MD) No.13448 of 2014 dated 08.03.2018 is set aside. The writ appeal is allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [A.D.M.C., J.]

31.07.2025

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

To

1. R. Thesingu Pandi
S/o Raman
Koneri, Nallirukkai Post,
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Ramathapuram District

2. The Presiding Officer
Labour Court,
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and
DR.A.D.MARIA CLETE, J.

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Pre-delivery Judgment made in
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