



**W.P.(MD)No.13843 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.03.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD)No.13843 of 2023**  
**and W.M.P.(MD)No.11684 of 2023 & 5944 of 2025**

The Managing Director,  
Tamil Nadu Transport Corporation (Madurai) Ltd.,  
Bye Pass Road,  
Madurai – 625 016.

... Petitioner

Vs.

G.Salbu

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the Labour Court, Madurai pertaining to its proceedings in I.D.No.38 of 2016 dated 20.07.2022 and quash the same.



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For Petitioner : Mr.SC.Herold Singh

For Respondent : Mr.S.Govindan

### **ORDER**

This Writ Petition has been filed aggrieved by the award dated 20.07.2022, passed by the learned Labour Court, Madurai in I.D.No.38 of 2016, setting aside the order dated 17.03.2016 dismissing the respondent herein from service as a measure of disciplinary proceedings and directing for reinstatement of the respondent within a period of three months from the date of receipt of the award dated 20.07.2022.

2. Heard Mr.SC.Herold Singh, learned counsel appearing for the petitioner and Mr.S.Govindan, learned counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner strenuously contended that the respondent herein who was working as Conductor on daily wage basis committed serious misconduct while handing over the unused tickets and cash to the cashier concerned by removing the tickets bearing



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Nos.CZW13-61851 to 61857 with denomination of Rs.21/- and issued the said tickets during the trip on 08.06.2014, but cleverly handed over the unused tickets as if the tickets No.CZW13-61851 to 61857 were not issued. However, the said unused tickets were received by the Cashier on trust on the petitioner without properly verifying, but the same was noticed by the Cashier concerned during audit on the very next day and accordingly, the said Cashier viz., Murugesan has submitted a report to the Management. In the light of the same, action has been initiated against the petitioner resulting in passing an order dated 17.03.2016, dismissing the respondent from service.

4. He also further contended that the Conductors were habituated to misappropriate the money either by reissuing the tickets already issued or issuing the tickets as being alleged in the instant case. Thus, he contended that the petitioner management is entitled to take serious action to curtail such misuse and misappropriation of the corporation funds. He also further contended that consequent upon the findings recorded by the learned Labour Court holding that the domestic enquiry conducted in accordance with law and



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that the findings are recorded without there being no evidence, the petitioner management adduced appropriate evidence before the learned Labour Court, but the learned Labour Court failed to appreciate the same in a proper perspective, resulting in allowing the Industrial Dispute filed by the respondent herein. Thus, he contended that the conclusion arrived by the learned Labour Court basing on the evidence adduced by the petitioner are perverse and the learned Labour Court failed to appreciate the evidence adduced before it in a proper manner.

5. On the other hand, Mr.S.Govindan, learned counsel appearing for the respondent contended that the learned Labour Court having concluded that the findings that were recorded during the domestic enquiry are perverse and based on no evidence. He also further contended that in spite of affording an opportunity to the petitioner management before the Labour Court, the petitioner management failed to adduce sufficient evidence in support of the charges framed against the respondent and also failed to examine the person who made a complaint against the petitioner, regarding missing of 7 tickets worth R.21/- each.



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6. This Court has carefully considered the submissions made on either side and also perused the entire materials on record including the impugned award.

7. Admittedly, the unused tickets and cash that were handed over by the respondent herein was on 08.06.2014 to the Cashier of the petitioner management was accepted by the cashier concerned. No defect was found. However, on the next day, the concerned Cashier viz., Murugesan claimed to have noticed about the missing of 7 tickets with denomination of Rs.21/- and accordingly, submitted a report. Whether the said 7 tickets were missing at the time of respondent herein handing over the unused tickets and cash on 08.06.2014 or thereafter is not known. But the petitioner management proceeded on the premise that the said tickets were missing, by the time the respondent herein handed over the unused tickets and cash on 08.06.2014. As rightly observed by the learned Labour Court, absolutely no evidence is placed on record to show that the said tickets were missing by the time the respondent herein handed over the unused tickets to the Cashier. But it is only basing upon



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the complaint of the Cashier concerned, the entire proceedings were initiated against the petitioner. Assuming that the said tickets were missing, by the time the respondent handed over the unused tickets on 08.06.2014, when the learned Labour Court came to the conclusion that the findings that are recorded during the domestic enquiry was perverse and are based on no evidence and afforded an opportunity to the petitioner management to adduce evidence in support of the charge and the conclusion arrived thereunder, the petitioner management failed to examine even the person who made a complaint against the petitioner on 09.06.2014 i.e., the next day on which the petitioner handed over the unused tickets and cash. Further, no explanation is also offered either before the learned Labour Court or before this Court for not examining the person who made a complaint about the missing of the tickets in question. In view of the failure of the petitioner management to examine the person, who made a complaint though is very much available in the petitioner corporation, goes to show that the said complainant is not willing to enter into the box and face cross examination at the instance of the respondent workman.



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8. Taking into consideration the above circumstances, the learned

Labour Court came to the conclusion that the charges that are framed against the respondent/workman are only based on assumption and presumption and on mere suspicion. Accordingly, the learned Labour Court came to the conclusion that the order of dismissal passed against the respondent/workman based on suspicion cannot be sustained and accordingly, set aside the order of dismissal dated 17.03.2016. Further, the learned Labour Court, having taken note of the fact that the respondent/workman herein is working only on temporary basis, has rightly exercised its discretion by not awarding any backwages and continuity of services except ordering for reinstatement within a period of 3 months from the date of receipt of the award. Thus, the learned Labour Court has exercised its jurisdiction well within the limits and in accordance with law. Therefore, this Court does not see any reason to interfere with the impugned award passed by the learned Labour Court, considering the fact that the scope of certiorari jurisdiction are very limited and none of the grounds on which this Court can exercise jurisdiction have come for consideration in the present Writ Petition.



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9. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral Citation: Yes / No  
Index : Yes / No

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**MUMMINENI SUDHEER KUMAR, J.**

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