



W.P(MD)No.18397 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 15.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.18397 of 2019 and
WMP(MD) No.14812 of 2019

V.Sivakumar

... Petitioner

Vs

1.The Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai)ltd., Madurai -16.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai)ltd.,
Dindigul Region, Dindigul.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned award in I.D.No.58 of 2008 dated 17.04.2017 passed by the Labour Court, Trichy, and quash the same as illegal insofar it relates to depriving the petitioner's backwages and continuity of service are concerned and consequently to direct the respondents to disburse all the



W.P(MD)No.18397 of 2019

retirement benefits of the petitioner along with the accrued interest thereon.

For Petitioner : Mr.Mohammed Imran
For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The petitioner, who was working as a Conductor in the respondent Corporation was issued with a charge memo on certain allegations and a domestic enquiry was conducted. The enquiry officer has filed a report that the charges framed as against this petitioner have been proved and therefore an order of termination from service has been passed by the respondent Corporation, vide order, dated 19.11.2003. Challenging the same, the petitioner has raised an Industrial Dispute before the Labour Court, Trichy, in ID No.58 of 2008. The Labour Court has partly allowed the Industrial Dispute that the charges 1 & 2 were not proved, however the third charge was found proved. At that relevant point of time, this petitioner has attained the age of superannuation and therefore, the Labour Court has passed an award that this petitioner is not entitled



W.P(MD)No.18397 of 2019

WEB COPY

for continuity of service and back wages, in view of the third charge.

As against the findings of the Labour Court, the petitioner has filed this writ petition in the year 2019.

2.The learned counsel for the petitioner submits that the petitioner was issued with a charge memo on 25.02.2003, on the following charges:-

- i. The petitioner has collected a sum of Rs.42/- from one passenger and instead of issuing tickets for travel and luggage, he has issued ticket only for the luggage, thereby, he has misappropriated a sum of Rs.21/-
- ii. The petitioner's act of dishonest.
- iii. He has refused to give statement, sign forms and receive spot memo.

According to the learned counsel, the Labour Court has come to the conclusion that the charges 1 & 2 were not proved, however, held that the third charge has been proved and partly allowed the ID in favour of the petitioner that he is entitled for retirement benefits



W.P(MD)No.18397 of 2019

WEB COPY

alone, as he has already attained the age of superannuation on 31.07.2012. According to the learned counsel, when the Labour Court has held that the charges 1 & 2 were not proved, the Labour Court ought not to have concluded that the third charge is proved as it is incidental to the charges 1 & 2. The Labour Court has erroneously found that the third charge has been proved and passed an order, denying the continuity of service and back wages to the petitioner, which has to be necessarily set aside.

3.The learned Standing Counsel appearing for the respondent Corporation submits that since the Department was not in a position to examine the particular passenger before the Labour Court, the charges 1 and 2 could not be proved. However, the third charge of refusal by the petitioner to give statement, sign forms and receive spot memo has been proved through the Checking Inspector. Therefore, there is no error in the order passed by the Labour Court in ID.No.58 of 2008. He further submits that it is not the first instance that this petitioner has misappropriated the amount by not



W.P(MD)No.18397 of 2019

issuing tickets to the passengers. For similar charges, he was already terminated in earlier occasion and he was reinstated into service on 18.07.2002. According to the learned Standing Counsel, the petitioner was imposed with 70 punishments in many occasions.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner, who was working as a Conductor in the respondent Corporation was terminated from service on the allegation of misappropriation of a sum of Rs.21/-, by not issuing tickets to the passenger. He was issued with the charge memo on 25.02.2003 and he was suspended from service. Thereafter, an enquiry was conducted and on proved charges, an order of termination was passed by the respondent, vide order, dated 19.11.2003. As against the order of termination, the petitioner has raised an industrial dispute before the Labour Court, Tiruchirappalli in ID No. 58 of 2008. The Labour Court has disposed of that ID only



W.P(MD)No.18397 of 2019

in the year 2017. In the interregnum period, this petitioner has attained the age of superannuation on 31.07.2012. The Labour Court has found that the charges 1 & 2 were not proved, however, based on the evidence of the official officials, the Labour Court found that the third charge has been proved. Considering that the petitioner has attained the age of superannuation, the Labour Court has disposed of that ID, denying continuity of service and back wages and granting retirement benefits. The petitioner has challenged the above order of the Labour Court on the ground that once the Labour Court has held that the charges 1 and 2, were not proved, the Labour Court, ought to have extended the same benefit for the charge No. 3 also, as the third charge is incidental to the charges 1 & 2. Moreover, it is an admitted fact that the respondent Management has not challenged the findings of the Labour Court with regard to charges 1 & 2.

6.The punishment of termination from service was imposed on the petitioner on 19.11.2003. The petitioner has attained the age of superannuation in 2012. However, the industrial dispute



W.P(MD)No.18397 of 2019

WEB COPY

raised by the petitioner in 2008 was decided only in 2017. The petitioner was placed under suspension for the relevant period. Considering the fact that the petitioner was paid with subsistence allowance during the suspension period, this court is of the view that this petitioner is not entitled to back wages. However, he is entitled for continuity of service for the said period.

7. With the above observation, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

15.09.2025

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



W.P(MD)No.18397 of 2019

To
WEB COPY

- 1.The Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai)ltd., Madurai -16.
- 2.The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai)ltd.,
Dindigul Region, Dindigul.



WEB COPY



W.P(MD)No.18397 of 2019

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.18397 of 2019 and
WMP(MD) No.14812 of 2019

15.09.2025