



W.A(MD) No.984 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 10.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A(MD) No.984 of 2022
&
C.M.P.(MD)No.7917 of 2022**

The Management through General Manager,
The Tamil Nadu State Transport Corporation,
Vannarapettai,
Tirunelveli.

... Appellant / Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Tirunelveli.

2.R.Annasamy

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order of the learned single Judge in W.P. (MD)No.3388 of 2014, dated 03.12.2021.



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For Appellant : Mr.D.Jebaraj

For Respondents : Mr.Ponniah
for R2

JUDGMENT

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

Heard both sides.

2. The management of TNSTC, Tirunelveli is the appellant in this writ appeal. One Annasamy was working as clerk in Vilathikulam Branch of the appellant corporation. He was issued with charge memo dated 30.08.2004. The allegation made against the said employee was that he had misappropriated a sum of Rs.83.65/- paise. Domestic enquiry was conducted and ultimately, Annasamy was terminated from service vide order dated 31.05.2005. Challenging the same, Annasamy raised an industrial dispute and it was taken on file by the Labour Court, Tirunelveli in ID.No.51 of 2010. Before the Labour Court, on the side of the workman, as many as 8 documents were marked. Workman examined himself as P.W.1. On the side of the management, one witness



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was examined and as many as 16 documents were marked. After a detailed consideration of the evidence on record, the labour Court passed an award on 11.05.2012 holding that the charge levelled against the employee was not established. The termination order was set aside. ID was allowed and the employee was directed to be reinstated in service with backwages and all other benefits and continuity of service. Aggrieved by the said award of the Labour Court, the management filed W.P.(MD)No.3388 of 2014. The learned single Judge vide order dated 03.12.2021 disposed of the writ petition by partly modifying the Labour Court's award. Instead of paying the entire backwages, the learned single Judge held that the employee will be entitled to only 60% of the backwages. Aggrieved by the said order, this writ appeal has been filed.

3. The learned standing counsel for the corporation reiterated his contentions set out in the grounds of appeal. He pointed out that misappropriation and that too on the part of a cashier is a serious misconduct and that therefore lenient view cannot be taken. According to him, the approach adopted by the Labour Court suffers from perversity and this aspect of the matter was not taken note of by the learned single



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Judge. He called upon this Court to set aside the impugned order and allow the writ appeal as prayed for.

4. Per contra, the learned counsel appearing for the employee submitted that the order passed by the learned single Judge is highly equitable and that interference is not warranted.

5. We carefully considered the rival contentions and went through the materials on record.

6. The charge against Thiru. Annasamy is that he misappropriated a sum of Rs.83.65/- paise. The misappropriation is said to have arisen following the transaction between one conductor by name Shenbagaraj and the employee Annasamy. Interestingly, Shenbagaraj was not even examined as a witness. The Labour Court as well as the learned single Judge came to the conclusion that non-examination of Shenbagaraj was rather fatal to the case of the management. The employee had also given convincing explanation as to how no misappropriation ever took place. According to the management, Shenbagaraj had returned 13 tickets, each



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valued at Rs.8.50/- paise. According to the management, Shenbagaraj had handed over a sum of Rs.4,954.55/-. This included the issuance of 13 tickets, each valued at Rs.8.50/- paise. When Annasamy, the cashier verified, he found that instead of 13 tickets, only three tickets had been sold and that 10 tickets were still available. Annasamy claimed that he returned those 10 tickets to Thiru.Shenbagaraj. Viewed in this backdrop, there is no question of misappropriation at all on the part of Thiru.Annasamy. When such an explanation was given, it was only Shenbagaraj who could have rebutted the same. That is why, the learned single Judge held that non-examination of Shenbagaraj would enure to the benefit of the delinquent.

7. As rightly argued by the learned counsel for the first respondent, this Court has to see the issue from another perspective. The Labour Court is a final Court of fact. The writ Court is exercising its power of judicial review under Article 226 of the Constitution of India. Unless the finding of the Labour court is shown to be perverse, interference with the award is not possible. The learned single Judge had held in favour of the employee. This Court is only exercising its jurisdiction under Clause 15



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of the Letters Patent. Therefore, the threshold which the management has to cross is rather high. We have to hold that this bar has not been met by the management.

8. In this view of the matter, we decline to interfere. The order of the learned single Judge is confirmed. The Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.K.M., J.)
10.12.2025

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

The Presiding Officer,
Labour Court,
Tirunelveli.



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