

W.A.(MD) Nos.1196 of 2019 & 352 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 18.06.2025

PRONOUNCED ON : 25.06.2025

CORAM:

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

W.A.(MD) Nos.1196 of 2019 & 352 of 2021

and

C.M.P.(MD) No.10343 of 2019

W.A.(MD)No.1196 of 2019:

The General Manager
The Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division - III
Maruthupathi, Managiri Road,
Karaikudi. ... Appellant/Petitioner

Vs.

1.P.K. Muthu
S/o Karuppaiah
C/o Motor Labour Union
31, Nanmaitharuvar Kovil
Arisikara Street
Madurai-625 001

2.The Presiding Officer
Labour Court,
Madurai.

... Respondents/Respondents



W.A.(MD) Nos.1196 of 2019 & 352 of 2021

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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to allow this Writ Appeal by setting aside the orders passed by the Learned Judge in W.P.(MD) No.6078 of 2011 dated 22.01.2019.

For Appellant : Mr. S.C. Herold Singh.

For Respondent : R2 – Labour Court.

Mr. V. Ajay Khose for
Mr. S. Arunachalam for R1.

W.A.(MD)No.352 of 2021:

P.K. Muthu
S/o Karuppaiah
Anju Kottai – Post,
Thiruvadanai – T.K.,
Ramanathapuram – District.
Vs.

... Appellant/Petitioner

1.The Presiding Officer
Labour Court,
Madurai.

2.The Management of
Tamilnadu State Transport Corporation (Kumbakonam Division-III) Ltd.,
Karaikudi,
Now renamed as
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,



W.A.(MD) Nos.1196 of 2019 & 352 of 2021

Rep.by its General Manager,
Karaikudi.

... Respondents/Respondents

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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to allow this Writ Appeal by setting aside the orders passed by the Learned Judge in W.P.(MD) No.1983 of 2014 dated 22.01.2019.

For Appellant : Mr. V. Ajay Khose for
Mr. S. Arunachalam

For Respondents : Mr. S.C. Herold Singh for R2.
R1 – Labour Court.

COMMON JUDGMENT
(Delivered by Dr. A.D. Maria clete, J)

Heard.

2.These intra-court appeals have been filed under Clause 15 of the Letters Patent challenging the common order dated 22.01.2019 passed by the learned Single Judge in W.P.(MD) No. 6078 of 2011 and W.P.(MD) No. 1983 of 2014, wherein the award passed by the Labour Court in I.D. No. 115 of 2005 was confirmed.



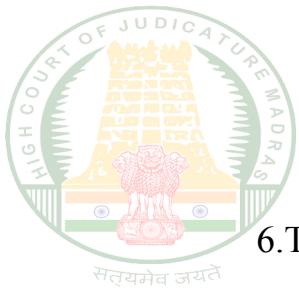
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3.The brief facts leading to these appeals are as follows: The respondent-workman, P.K. Muthu, was employed as a Conductor with the Tamil Nadu State Transport Corporation (Kumbakonam Division-III) Ltd., Karaikudi. On 16.11.2002, he was served with a charge memo alleging that he had issued used tickets and thereby misappropriated a sum of Rs.10/-, and further that he had collected Rs.4/- from a passenger without issuing a ticket. A domestic enquiry was conducted and the charges were held proved. Consequently, he was dismissed from service on 25.09.2004.

4.The workman raised an industrial dispute which was taken on file in I.D. No. 115 of 2005 before the Labour Court, Madurai. The Labour Court, by award dated 14.10.2010, set aside the order of dismissal, directed reinstatement of the workman into service, but denied him back wages and other attendant benefits.

5.Aggrieved thereby, the Corporation filed W.P.(MD) No. 6078 of 2011 challenging the direction of reinstatement. The workman, in turn, filed W.P.(MD) No. 1983 of 2014 challenging the denial of back wages and service benefits.



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6.The learned Single Judge dismissed both writ petitions by a common order

dated 22.01.2019.

7.The Corporation contended that the Labour Court had failed to consider the documentary evidence adduced to prove the misconduct. It is urged that even minor acts of misappropriation warrant dismissal as per settled law.

8.The workman contended that once the Labour Court found the charges unproved, it ought to have granted full back wages and treated the period of non-employment as pensionable service. He relies on the decision in **Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya, (2013) 10 SCC 324.**

9.We have carefully considered the submissions of the learned counsel on either side and perused the entire record, including the award of the Labour Court and the order of the learned Single Judge.

10.The Labour Court, after considering the absence of seizure of the cash bag, non-examination of passengers, and non-production of original ticket books and invoices, found that the charges could not be said to be conclusively proved.



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While setting aside the dismissal and directing reinstatement, the Labour Court denied back wages and other attendant benefits.

11.The learned Single Judge upheld the Labour Court's award, observing that its findings—particularly the absence of seized cash bag, lack of passenger statements, and non-production of the original ticket book—were based on a proper appreciation of evidence and did not warrant interference under Article 226 of the Constitution. Noting that the denial of back wages and other attendant benefits by the Labour Court effectively operated as a punishment, the learned Judge found no ground to reappraise the relief granted. Crucially, the learned counsel for the workman, on instructions, submitted that the award could be confirmed as it is, and accordingly, both writ petitions were dismissed, with a direction to the management to disburse the workman's terminal benefits within eight weeks.

12.As regards the Corporation's contention that dismissal is the only punishment for any proven misappropriation, we are of the view that the foundation for this argument collapses in the present case where the very finding of guilt has not been sustained. The Labour Court found the evidence insufficient;



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hence, the ratio of judgments upholding dismissal for proven misappropriation is

inapplicable.

13.Insofar as the appeal preferred by the workman is concerned, we find no merit for interference. The learned Single Judge has clearly recorded that, on instructions, counsel for the workman submitted that the workman would be satisfied if the award of the Labour Court was confirmed as it is. It was further noted that the workman had already attained the age of superannuation and that he was only seeking early release of terminal benefits. Based on this express submission, the learned Single Judge declined to interfere with the Labour Court's award, which had granted reinstatement without back wages and other attendant benefits. Once such a statement has been recorded in judicial proceedings as having been made on instructions, the proper course for the workman, if aggrieved, was to seek a review of that order by placing materials to demonstrate that the recorded concession did not reflect his intent. That has not been done.

14.In an intra-court appeal under Clause 15 of the Letters Patent, we are not sitting in review or reappreciation of statements made before the Single Judge. The concession recorded was clear, unambiguous, and formed the basis of judicial



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reasoning. We cannot now revisit the substance of the Labour Court award as though the matter was being heard afresh, especially when the very challenge was consciously given up by counsel before the writ court. To entertain the present appeal would, in effect, allow the workman to bypass the review mechanism and undermine the sanctity of proceedings concluded on counsel's instructions.

15. We therefore find no sustainable ground to interfere with the impugned common order dated 22.01.2019 of the learned Single Judge. In fine, both appeals — W.A.(MD) No. 1196 of 2019 and W.A.(MD) No. 352 of 2021 — are dismissed. There shall be no order as to costs. The terminal and pensionary benefits, if not already settled, shall be disbursed to the workman within a period of eight weeks from the date of receipt of a copy of this Judgment. Consequently, the connected miscellaenous petition is closed.

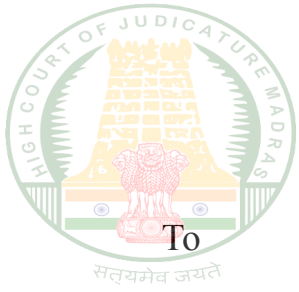
(S.M.S., J) (A.D.M.C., J)
25.06.2025

ay

Index : Yes/No

Neutral Citation: Yes / No

Speaking Order / Non-speaking Order



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To

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1.The Presiding Officer
Labour Court,
Madurai.

2.The General Manager
The Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division - III
Maruthupathi, Managiri Road,
Karaikudi.

3.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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**S.M. SUBRAMANIAM, J
and
DR. A.D. MARIA CLETE, J**

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Judgment made in
W.A.(MD) Nos.1196 of 2019 & 352 of 2021
and
C.M.P.(MD) No.10343 of 2019

25.06.2025