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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2025

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.30559 of 2024

P.Manoharan

...Petitioner

Vs

1.The Management,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Dindigul Zonal, Dindigul.

2.The Presiding Officer,
Labour Court, Trichy.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus** to call for the entire records in connection with the I.D.No.58 of 2016 dated 21.12.2021, on the file of the Labour Court, Tiruchirappalli, as quash the same as illegal and consequently directing the 1st respondent to provide all other attended and monitory benefits to the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.S.C.Herold Singh
Standing Counsel for R1
R2 - Labour Court

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ORDER

The present Writ Petition has been filed by a Conductor working in the respondent transport Corporation challenging an order of the Labour Court, Tiruchirapalli, wherein the labour Court has confirmed the punishment of imposition of postponement of the increment for a period of 4 years with cumulative effect.

2.The petitioner herein who was working as a Conductor in the respondent transport Corporation was issued with a charge memo on 26.09.2011, on the allegation that he had re-issued an old ticket to a passenger after receiving cash from him. After conducting domestic enquiry, the transport Corporation has imposed with a punishment of increment cut for a period of 4 years with cumulative effect. Challenging the said order, the petitioner herein had filed I.D.No.58 of 2016, before the Labour Court, Tiruchirapalli. The learned Presiding Officer has arrived at a finding that the domestic enquiry has been conducted in a fair manner after observing the principles of natural justice. The Labour Court has further found that the charges as against the writ petitioner stood proved and therefore, considering the grave nature of the misconduct, punishment imposed by the Management need not be interfered with.



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Challenging the same, the present Writ Petition has been filed.

3. According to the learned Counsel appearing for the Writ Petitioner, the petitioner was working as a Conductor in the bus running between Bodi and Madurai. After the bus had reached Madurai, he was directed to take the bus from Madurai to Theni. When he used the ETM machine again, the ticket from Madurai to Bodi with a value of Rs.30/- got printed out and therefore, he had mistakenly issued the same to the passenger. However, the passenger has paid only a sum of Rs.6/- towards the ticket charges. In fact, the petitioner has incurred loss for commission of such a mistake. Therefore, the allegation of misappropriation of Rs.6/- is not legally sustainable.

4. Per contra, the learned Counsel appearing for the respondent transport Corporation had contended that the petitioner has issued, already sold out ticket to the passenger who had boarded at Andipatti on his way to Theni. The Serial number of the ticket would clearly indicate that it was issued to the passenger who had boarded at Madurai and who had reached Andipatti. Therefore, it is clear that the petitioner has collected the ticket from the passenger who had alighted at Andipatti and given it back to another passenger who had boarded at

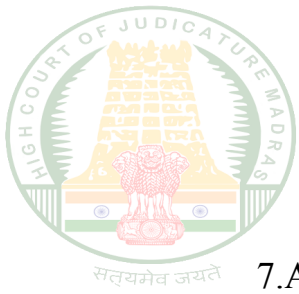


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Andipatti. Therefore, it is a clear case of misappropriation of Rs.6/-. He has further pointed out that this is not the first instance of re-issuance of the sold ticket but it is the third instance. Hence the labour Court, after considering the past conduct had proceeded to confirm the order of punishment imposed by the Management. Hence, he prays for confirming the award of the Labour Court.

5.I have considered the submissions made on either side and perused the materials available on record.

6.As could be seen from the contentions of the either parties, it is clear that the petitioner has issued a ticket which discloses that it is meant for the passenger who is travelling from Madurai to Andipatti. However, the passenger has actually boarded only at Andipatti on his way to Theni. Therefore, it is clear that already sold out ticket had been re-issued to another passenger who has boarded at Andipatti. Ex.M1 is the basic report and the explanation submitted by the petitioner to the second show cause notice would clearly establish these facts. In such circumstances, the Labour Court has rightly arrived at a finding that the charges as against the writ petitioner stood proved.



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7.As far as the quantum of punishment is concerned, the learned Standing Counsel appearing for the respondent transport Corporation has submitted that it is the third instance of re-issuance of the old ticket and therefore, the punishment of postponement of the increment cut for a period of 4 years with cumulative effect shall not be disturbed. On the other hand, the learned Counsel appearing for the petitioner has submitted that the petitioner has attained superannuation on 30.04.2019, and this punishment is likely to affect his terminal benefits as well as the pensionary benefits.

8.Considering the above said facts, this Court is of the considered opinion that the quantum of punishment could be reduced and the petitioner could be imposed with a punishment of 2(two) years increment cut with cumulative effect.

9.In view of the above said deliberations, the award of the Labour Court is partly set aside and the petitioner is imposed with a punishment of postponement of increment for 2(two) years with cumulative effect.

10.Accordingly, this Writ Petition stands partly allowed. No costs.

18.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

RJR

To

The Presiding Officer,
Labour Court, Trichirapalli.

W.P.(MD)No.30559 of 2024

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