



W.P.(MD)No.19796 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.06.2026

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.19796 of 2022
and
W.M.P.(MD).No.14440 of 2022

The Management,
Tamil Nadu Arasu Pookuvarathu Kazhagam (Madurai) Limited,
Dindigul Mandalam,
Dindigul-4. ...Petitioner

Vs

The General Secretary,
Tamilnadu Arasu Pokkuvarathu Kazhaga Niruvana Pathukappu Mantrum Pothu
Thozhilalar Nala Peravai,
No.38, Sellandiamman Kovil 2nd Street,
Dindigul. ...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the Industrial Tribunal, Chennai pertaining to its proceedings in I.D No.34 of 2015 dated 09.05.2022 and quash the same

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.J.Ashok,
for Mr.J.David Ganesan



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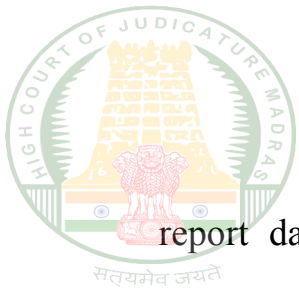
ORDER

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This writ petition has been filed challenging the award passed by the first respondent in I.D. No.34 of 2015 dated 09.05.2022.

2. The learned counsel appearing for the petitioner/Management submitted that the respondent-workman was employed as a Conductor in the petitioner Transport Corporation and had joined service in the year 1991. On 14.07.2013, the Checking Inspectors conducted a surprise inspection in the bus in which the respondent-workman was on duty as Conductor. During the inspection, it was found that there were 75½ passengers, including the driver and the conductor, travelling in the bus. On verification, it was found that two passengers, who had each paid a fare of Rs.23/-, had not been issued tickets. It was, therefore, alleged that the respondent-workman had misappropriated a sum of Rs.46/-. Treating the said act as a serious misconduct, the petitioner placed the respondent-workman under suspension by order dated 15.07.2013 and issued a charge memo.

3. The respondent-workman submitted his explanation to the charge memo. Since the explanation was found to be unsatisfactory, an enquiry was conducted after affording him adequate opportunity. The Enquiry Officer, by his



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report dated 21.11.2013, held that the charges stood proved. Thereafter, a second show cause notice dated 31.03.2014 was issued proposing punishment.

As the explanation submitted by the respondent-workman was again found to be unsatisfactory, the disciplinary authority, by order dated 15.10.2014, imposed the punishment of stoppage of increment for a period of three years with cumulative effect.

4. Aggrieved by the said punishment, the respondent-workman raised an industrial dispute in I.D. No.34 of 2015 before the first respondent. By award dated 09.05.2022, the Industrial Tribunal allowed the industrial dispute and set aside the punishment. Challenging the said award, the present writ petition has been filed.

5. The learned counsel for the petitioner submitted that the misconduct stood clearly established during the domestic enquiry. The petitioner examined the witness as WW1 and the respondent examined the witness as MW1 before the Labour Court. The petitioner exhibited the documents as ExhW1 to Exh.W6 and the respondent exhibited the documents as Ex.M.1 to Ex.M.13 before the Labour Court, including Ex.M.2, namely, the statement of the delinquent workman. It was contended that the Labour Court, without properly



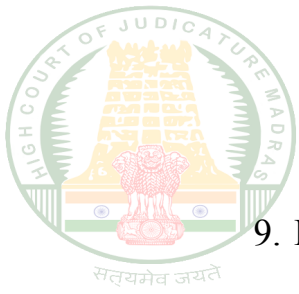
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appreciating the evidence available on record, interfered with the punishment and set aside the same, which is unsustainable in law.

6. Per contra, the learned counsel appearing for the respondent submitted that the workman had joined the services of the petitioner Corporation in the year 1991 and that the charge related to the alleged non-issuance of two tickets of Rs.23/- each to two passengers. According to the learned counsel, though examination of the passengers before the Enquiry Officer or the Labour Court may not be mandatory in every case, in the absence of any contemporaneous documents such as passenger statements or other supporting materials, the enquiry proceedings by themselves would not establish the misconduct. Hence, the Labour Court rightly interfered with the punishment. He therefore prayed for dismissal of the writ petition.

7. Heard the learned counsel appearing on either side.

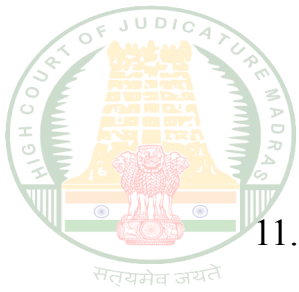
8. The facts are not in dispute. The respondent-workman was employed as a Conductor in the petitioner Corporation and had joined service in the year 1991. The charge against him is that he failed to issue tickets worth Rs.23/- each to two passengers and thereby misappropriated a sum of Rs.46/-.



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9. It is true that examination of the passengers either before the Enquiry Officer or before the Labour Court is not mandatory in every case. However, where the statements of the passengers are recorded by the Checking Inspectors at the time of inspection and are duly signed by the passengers as well as the delinquent employee, such documents would constitute reliable evidence. In this regard, this Court had an occasion to consider a similar issue in W.P. No. 2286 of 2013, wherein the Division Bench held that once the passenger statements and the invoice bills prepared during inspection are produced and bear the signatures of the concerned employee, there is no necessity to examine the passengers before the Enquiry Officer or the Labour Court.

10. In the present case, admittedly, no statements of the passengers were recorded by the Checking Inspectors at the time of inspection. Further, no invoice bill or other contemporaneous document prepared during the inspection has been produced before the Enquiry Officer. These documents constitute vital evidence to establish the charge of misappropriation. In the absence of such material evidence, the charge cannot be said to have been proved merely on the basis of the inspection report.



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11. The Labour Court has taken note of the absence of these crucial documents and on appreciation of the evidence available on record, has come to the conclusion that the misconduct was not established. This Court does not find any perversity or illegality in the findings recorded by the Labour Court warranting interference under Article 226 of the Constitution of India.

12. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

29.06.2026

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

TSG

To

The General Secretary,

Tamilnadu Arasu Pokkuvarathu Kazhaga Niruvana Pathukappu Mantrum Pothu
Thozhilalar Nala Peravai,

No.38, Sellandiamman Kovil 2nd Street,

Dindigul.



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M.DHANDAPANI, J.

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