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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

Writ Appeal No.3819 of 2024

D.Gnanasekaran (died)

1. G.Lalitha
W/o.Late D.Gnanasekaran
2. G.Jeevitha
D/o.Late D.Gnanasekaran
3. G. Kejitha
D/o.Late D.Gnanasekaran
4. D.Pushpam
W/o.Dharmaraj
M/o.Late D.Gnanasekaran

..Appellants

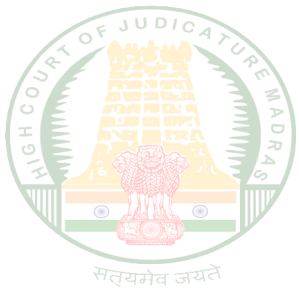
Vs

1. The Presiding Officer,
Labour Court, Coimbatore.
2. The Management,
Tamil Nadu State Transport Corporation,
(Coimbatore Division -I) Ltd.,
Mettupalayam Road, Coimbatore – 641 043.

..Respondents

Writ Appeal filed under Clause 15 of the Letters Patent praying to
set aside the order passed in W.P.No. 4017 of 2017 dated 21.08.2023.

For Appellants : Mr.K.Bharathi
For Respondents : Labour Court [R1]
Mr.T.Chandrasekaran [R2]



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JUDGMENT

(Delivered by **K.Surender, J.**)

The present intra court appeal has been instituted by the legal heirs of the workman challenging the writ order dated 21.08.2023 passed in W.P.No.4017 of 2017.

2. The workman was appointed as Conductor on 17.12.1995. On the allegations of misappropriation of funds while he was holding the post of Conductor, a departmental disciplinary proceedings was initiated and a charge memo dated 02.01.2001 was issued against the workman. The allegation against him is that he misappropriated the corporation funds by not issuing tickets to the passengers after collecting ticket fare from those passengers. Opportunity was afforded to the workman to submit his explanation to the charge memo. Not satisfied with the explanation, an Enquiry Officer was appointed. Domestic enquiry was conducted and the workman participated in the enquiry proceedings and defended his case. The Enquiry Officer submitted his report holding that the charges are held proved. Accepting the findings of the Enquiry Officer, the Disciplinary Authority imposed punishment of dismissal from service. The workman raised an industrial dispute in I.D.No.382 of 2004. The Industrial Tribunal also considered the documents and evidences available on record. The Labour Court award would show that the documents and evidences



filed by the parties were considered and a finding was given that the Enquiry Officer has conducted the enquiry in a fare and proper manner and his report is valid under law. The fairness of the enquiry has been confirmed by the Labour Court. The request of the workman to reappraise the very same evidence was not considered by the Labour Court mainly on the ground that the employer has established misconduct against the workman in the enquiry proceedings, which was conducted in a free and fair manner and therefore, reappraisal of evidence once again does not arise at all.

3. The learned counsel for the appellants, at this juncture, would submit that the workman was not cross-examined by the Management representative. Therefore, the factual inference ought not to have been drawn by the Enquiry Officer. In such circumstances, the statement of the workman is to be accepted as it is. Such a proposition is not traceable under law in view of the fact that in departmental disciplinary proceedings, an employer is at liberty to establish the charges either through documents, if necessary, by cross-examining the delinquent officer or any other witnesses. The departmental enquiry is not akin to that of a criminal trial and therefore, the ground raised by the appellants regarding not cross-examining the workman is not fatal and would not be of any avail to the workman to set aside the order of dismissal. Non-crossexamination of the workman would not dilute or wipe away the other documents produced

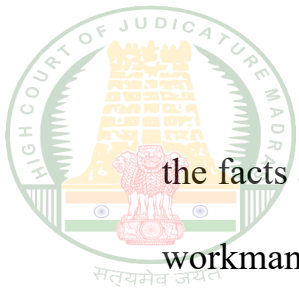


by the Management to prove the charges. Thus, the said ground does not deserve any consideration.

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4. Looking into the award of the Labour Court, it is seen that the evidences were considered by the Labour Court and findings are given in detail. Facts as well as legal position have been considered by the Labour Court and a finding in the conclusion paragraph would show that Ex.M12 would show that the workman was previously punished for ten times for the same charges of misappropriation of funds of the Transport Corporation. The workman was holding the post of Conductor and his duty is to collect money, issue tickets to the passengers and hand over the money to the Corporation. A conductor holds money in trust of the Corporation. Thus, showing any leniency for such grave misconduct would set a wrong precedent and considering the gravity of the misconduct, which has been proved, the labour Court has confirmed the punishment of dismissal from service and found that the said dismissal is not disproportionate to the gravity of the proved misconduct.

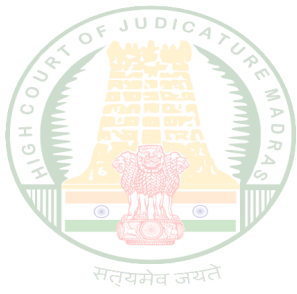
5. The main ground urged by the learned counsel for the appellants is that the Labour Court stated that reappreciation of evidence was not required, which is not in accordance with law and the Labour Court is empowered to come to a different conclusion. There is no dispute regarding the said proposition of law. In the present background of the case, when the Labour Court has considered



the facts and finding made is convincing no further interference is required. The workman was given opportunity during the course of enquiry and also during the Labour Court proceedings. Thus, this Court does not find any infirmity in the findings of the Labour Court.

6. Coming to the impugned writ order, the learned Single Judge has considered the findings of the Labour Court, which are based on the documents. The delinquent was identified as a habitual offender and committed misappropriation of funds on several occasions and repeatedly suffered punishments. When the workman previously suffered lesser punishments for the similar allegation of misappropriation of funds, he cannot be exonerated and the Management found that there is no scope for change in his attitude or conduct. Thus, punishment of dismissal cannot be stated as disproportionate in the present case and all the legal principles were considered both by the Labour Court as well as by the Writ Court.

7. Reappraisal of evidence by the writ appellate Court may not be required since both the Labour Court as well as the Writ Court have considered the documents and rendered a finding. The power of judicial review of the High Court is to ensure the process through which a decision has been taken in consonance with the Statutes and Rules in force and not the decision itself. That



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being the principle to be adopted, the appellants are not entitled to any relief at the hands of this Court.

8. Learned counsel for the appellants would submit that the respondents are bound to settle the eligible monetary benefits as applicable to a dismissed employee. The present order would not come in the way of claiming such benefits by filing an appropriate application before the competent authority, who, in turn shall consider the same.

In the result, this writ appeal is dismissed. No costs.

[S.M.S., J.] **[K.S., J.]**
08-04-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No
gm

To

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