



W.P(MD)No.3117 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.3117 of 2023
and
W.M.P(MD)No.2897 of 2023

The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Trichy.

... Petitioner

Vs

P.Ravichandran

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned Award of the Labour Court, Tiruchirappalli passed in I.D.No.04 of 2017 dated 25.02.2022 and to quash the same.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.P.Venkatachalam



W.P(MD)No.3117 of 2023

WEB COPY

ORDER

The present Writ Petition has been filed challenging the award dated 25.02.2022 passed in I.D. No.04 of 2017 by the Labour Court, Tiruchirappalli.

2.The learned counsel appearing for the petitioner Transport Corporation submitted that the respondent was appointed as a Reserve Driver on 22.11.2007. According to the petitioner, the respondent remained unauthorisedly absent from duty from 14.07.2008 to 28.01.2011, which constitutes misconduct under Clause 24(6)(a) of the Certified Standing Orders applicable to the petitioner Corporation.

3.It is submitted that, on account of the said unauthorised absence, a charge memo dated 10.02.2011 was issued to the respondent and served upon him through Registered Post with Acknowledgement Due (RPAD). The respondent submitted his explanation, which was found to be unsatisfactory. Thereafter, a domestic enquiry was conducted by affording



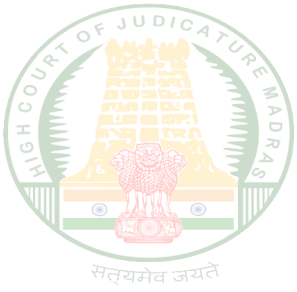
W.P(MD)No.3117 of 2023

WEB COPY

him sufficient opportunity. The Enquiry Officer, upon appreciation of the materials available on record, held the charges proved. Based on the findings of the Enquiry Officer, a second show cause notice was issued and, after considering the respondent's further explanation, the disciplinary authority passed an order dated 25.01.2012 dismissing the respondent from service.

4. Aggrieved by the order of dismissal, the respondent raised an industrial dispute in I.D.No.04 of 2017 before the Labour Court, Tiruchirappalli. By award dated 25.02.2022, the Labour Court directed reinstatement of the respondent as a Reserve Driver, without back wages, by applying the principle of "No Work, No Pay." Challenging the said award, the present Writ Petition has been filed.

5. The learned counsel appearing for the petitioner Corporation further submitted that the respondent had worked only for a brief period of about one year, namely from 22.11.2007 to 13.07.2008, and thereafter remained continuously absent from 14.07.2008 to 28.01.2011, resulting in



W.P(MD)No.3117 of 2023

WEB COPY

the disciplinary proceedings and his eventual dismissal from service. It is further submitted that the respondent challenged the order of dismissal only after several years by raising an industrial dispute in the year 2017, and the Labour Court passed the award only on 25.02.2022.

6.The learned counsel further contended that the respondent is now more than 53 years of age and has not worked as a driver for more than 14 years. In such circumstances, directing reinstatement of the respondent as a Driver would not only be impracticable but would also compromise public safety, considering the nature of duties attached to the post of a driver in a public transport undertaking. Therefore, it is submitted that the direction of the Labour Court ordering reinstatement is liable to be set aside.

7.Per contra, the learned counsel appearing for the respondent/workman submitted that the respondent entered service as a Reserve Driver on 22.11.2007 and that, while he was on duty on 13.07.2008, driving the bus bearing Registration No. TN-45-N-1614 on its trip from



W.P(MD)No.3117 of 2023

WEB COPY

Tittakudi to Ariyalur, at about 7.20 a.m., the bus met with an accident near Sadikanpatti Bridge due to the rash and negligent driving of a mini lorry coming from the opposite direction.

8.It is further submitted that the respondent sustained grievous injuries in the said accident and, owing to the injuries, he was unable to attend duty. He underwent continuous medical treatment and was again hospitalised in the year 2009. Therefore, according to the learned counsel, the respondent's absence from duty was neither wilful nor deliberate, but was on account of unavoidable medical reasons. The Labour Court, after appreciating the oral and documentary evidence, found that the punishment of dismissal was disproportionate and accordingly directed reinstatement without back wages by applying the principle of "No Work, No Pay." It is therefore submitted that the award passed by the Labour Court does not warrant interference.



W.P(MD)No.3117 of 2023

WEB COPY

9. Heard the learned counsel appearing on either side and perused the materials available on record.

10. The facts giving rise to the present Writ Petition are not in serious dispute. It is admitted that the respondent entered service as a Reserve Driver on 22.11.2007. It is also not in dispute that disciplinary proceedings were initiated against him for unauthorised absence from 14.07.2008 to 28.01.2011, culminating in an order of dismissal dated 25.01.2012.

11. The records further reveal that the respondent had initially challenged the order of dismissal by filing W.P.No.37247 of 2015, wherein this Court, by order dated 24.11.2015, granted liberty to the respondent to work out his remedy by raising an industrial dispute. Pursuant thereto, the respondent raised I.D.No.04 of 2017 before the Labour Court, Tiruchirappalli, which ultimately culminated in the award dated 25.02.2022 directing reinstatement without back wages.



W.P(MD)No.3117 of 2023

WEB COPY

12.This Court is conscious of the fact that the Labour Court has interfered with the punishment on the ground of proportionality. However, certain subsequent developments cannot be ignored. The respondent has remained out of service since 2012 and has not discharged the duties of a Driver for more than 14 years. Admittedly, he had worked in the petitioner Corporation only for about one year before the order of dismissal came to be passed. The respondent is now more than 53 years of age.

13.Having regard to the nature of duties attached to the post of a Driver in a public transport undertaking, this Court is of the considered view that directing reinstatement after such a long lapse of time would neither be practical nor in the larger public interest. At the same time, considering the circumstances under which the respondent remained absent and in order to balance the equities between the parties, this Court is of the view that the ends of justice would be met by awarding a reasonable lump sum compensation in lieu of reinstatement.



W.P(MD)No.3117 of 2023

WEB COPY

14. Accordingly, the award dated 25.02.2022 passed in I.D.No.04 of 2017 by the Labour Court, Tiruchirappalli, is modified. In lieu of reinstatement, the petitioner Transport Corporation is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the respondent towards full and final settlement of all his claims arising out of the industrial dispute. The aforesaid amount shall be paid within a period of four (4) weeks from the date of receipt of a copy of this order. Upon such payment, the respondent shall not be entitled to claim reinstatement, back wages or any other consequential service benefits.

15. With the above modification and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

06.07.2026

NCC : Yes / No

Index : Yes / No

ps



W.P(MD)No.3117 of 2023

WEB COPY

To

The Labour Court,
Tiruchirappalli.



WEB COPY



W.P(MD)No.3117 of 2023

M.DHANDAPANI, J.

ps

W.P(MD)No.3117 of 2023

06.07.2026