



**W.P(MD)No.12913 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 16.07.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)No.12913 of 2023**

**and**

**W.M.P.(MD).No.10938 of 2023**

The Management,  
Tamil Nadu Arasu Pokkuvarathu Kazhagam (Madurai) Limited,  
Madurai Region,  
Bypass Road,  
Madurai.

... Petitioner

Vs

The General Secretary,  
Tamil Nadu Pokkuvarathu Madurai Thozhilalar Sangam,  
V.P.Chinthan Ninaivagam,  
VOC II Street, Arul Nagar,  
By-Pass Road,  
Madurai-625 016.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the Labour Court, Madurai pertaining to its proceedings in I.D.No.78 of 2017 dated 11.11.2021 and quash the same.



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For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.S.Arunacahalam

### **ORDER**

This Writ Petition has been filed challenging the award passed by the Labour Court, Madurai in I.D. No.78 of 2017, dated 11.11.2021.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner would submit that the workman, namely, Saravanan, was appointed as a Conductor on 21.01.2013 in the petitioner Management. While he was on duty in the bus bearing Registration No.TN-58-N-1291, an unfortunate incident occurred at the Mattuthavani Bus Stand. It is submitted that after the bus had started moving, a male passenger attempted to board the moving bus, lost his balance and fell on the rear side of the bus, thereby sustaining injuries and subsequently, he died. Pursuant to the said incident, a charge memo was issued to the workman alleging that he had failed to take adequate precautionary steps to prevent the passenger from boarding the moving bus and had failed to safeguard the passenger. A domestic enquiry was



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conducted and, based on the findings of the Enquiry Officer, the petitioner Corporation imposed the punishment of stoppage of two annual increments with cumulative effect by order dated 25.01.2014.

4. Aggrieved by the said punishment, the respondent Union espousing the cause of the workman raised an industrial dispute before the Labour Court, Madurai in I.D. No.78 of 2017. Upon adjudication, the Labour Court, by the impugned award dated 11.11.2021, set aside the punishment imposed on the workman. Challenging the said award, the present Writ Petition has been filed.

5. The learned counsel appearing for the petitioner would further submit that it is the bounden duty of a Conductor to ensure the safety of passengers travelling in the bus. It is also his responsibility to watch passengers while they board and alight from the bus and to take necessary precautionary measures to avoid accidents. According to the petitioner, the workman negligently permitted the passenger to board the moving bus, which resulted in the accident. Consequently, the legal heirs of the deceased passenger filed a claim petition and the petitioner Corporation suffered a financial loss of Rs.17,61,370/- towards



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compensation. It is therefore contended that the punishment imposed was only a minor one, having regard to the gravity of the misconduct, and that the Labour Court, without properly appreciating the evidence available on record, erroneously interfered with the punishment. It is further submitted that the findings of the Labour Court are perverse and warrant interference by this Court under Article 226 of the Constitution of India.

6. Per contra, the learned counsel appearing for the respondent Union would submit that the primary duty of a Conductor is to issue tickets to passengers inside the bus and, therefore, it is not practically possible for him to continuously watch passengers outside the bus. It is submitted that the Conductor, who was inside the bus attending to his duties, could not have noticed the passenger attempting to board the moving bus. On the other hand, if any person was in a position to notice such an incident, it was the Driver, who had the benefit of viewing the front entrance through the rear-view mirrors. He would further contend that there is absolutely no evidence to establish negligence on the part of the Conductor. The findings recorded in the domestic enquiry are not supported by any acceptable evidence. In the absence of any material to prove



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misconduct, the punishment imposed by the disciplinary authority is unsustainable. The Labour Court, after appreciating the evidence available on record, rightly held that the finding of guilt was unsupported by evidence and consequently set aside the punishment.

7. This Court has carefully considered the rival submissions made on either side and perused the materials available on record.

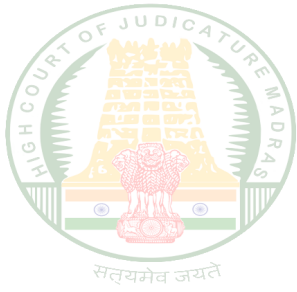
8. The fact that the passenger sustained injuries and subsequently, he died while attempting to board the bus is not in dispute. The only question that arises for consideration is whether there was any negligence on the part of the Conductor warranting the punishment imposed by the petitioner Corporation. A Conductor is undoubtedly expected to ensure the safety of passengers and to take reasonable precautions while passengers board and alight from the bus. At the same time, the nature of duties entrusted to a Conductor, namely issuing tickets and attending to passengers inside the bus, cannot be lost sight of. In cases where a passenger attempts to board a moving bus through the front entrance, the Driver, who has the benefit of rear-view mirrors, would also be in a position to



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notice such an act and take appropriate steps. A perusal of the records reveals that no independent witness was examined in the domestic enquiry to establish that the workman had noticed the passenger attempting to board the moving bus and had failed to prevent the same. There is also no material to show that the accident occurred solely on account of any omission or commission attributable to the Conductor. In the absence of acceptable evidence establishing negligence, the finding of guilt recorded in the domestic enquiry cannot be sustained. The Labour Court, on an appreciation of the oral and documentary evidence, arrived at a factual conclusion that the charge against the workman had not been proved. It is well settled that this Court, while exercising jurisdiction under Article 226 of the Constitution of India, does not sit as an appellate authority over the findings of the Labour Court. Unless the findings are shown to be perverse, unsupported by evidence, or suffering from patent illegality, interference is not warranted. In the present case, this Court does not find any perversity or legal infirmity in the award passed by the Labour Court. The Labour Court has assigned cogent reasons for setting aside the punishment and the same do not call for interference.



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**WEB COPY** 9. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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NCC : Yes / No  
Index : Yes / No  
TSG

To

The Labour Court, Madurai.



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**M.DHANDAPANI, J.**

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