



W.P(MD)No.13133 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.13133 of 2023
and
W.M.P.(MD).No.11111 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,
Registered No.157/MDU Link-CITU,
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.79 of 2017 dated 04.04.2022 and quash the same.



W.P(MD)No.13133 of 2023

WEB COPY

For Petitioner : Mr.S.C.Herold Singh

ORDER

This Writ Petition has been filed challenging the award passed by the Labour Court, Madurai in I.D. No.79 of 2017, dated 04.04.2022.

2. Heard the learned counsel appearing for the petitioner.

3. The learned counsel appearing for the petitioner Corporation would submit that the member of the respondent Union, namely, Mohan, was appointed as a Driver on 13.10.2012. While he was operating a Corporation bus from Periyar Bus Stand to Vandiyur Bus Stand, an unfortunate accident occurred near Santhaipettai Bus Stop. A pedestrian, who was crossing the road, stood in the middle of the road and was hit by an autorickshaw. Due to the impact, the pedestrian was thrown towards the right side of the Corporation bus and came under its wheels, resulting in his instantaneous death.

4. According to the learned counsel, a charge memo was issued to the said driver alleging negligence. A domestic enquiry was conducted in accordance with the principles of natural justice and, based on the findings of the Enquiry Officer,



W.P(MD)No.13133 of 2023

WEB COPY

the disciplinary authority imposed the punishment of stoppage of one annual increment with cumulative effect. Aggrieved by the said punishment, the respondent Union raised an industrial dispute in I.D. No.79 of 2017 before the Labour Court, Madurai. The Labour Court, by the impugned award dated 04.04.2022, interfered with the punishment and granted relief in favour of the workman. Challenging the said award, the present Writ Petition has been filed.

5. The learned counsel for the petitioner Corporation would further contend that, though the deceased was not a passenger of the Corporation bus, it was nevertheless the duty of the driver to exercise due care and take all possible precautionary measures to avoid the accident. According to the Corporation, the disciplinary authority, after considering the materials available on record, imposed only a minor punishment. Therefore, the Labour Court was not justified in interfering with the same.

6. This Court has carefully considered the submissions and perused the materials placed on record.



W.P(MD)No.13133 of 2023

WEB COPY 7. Admittedly, the deceased was not a passenger travelling in the Corporation bus. The materials available on record disclose that the pedestrian was first hit by an autorickshaw while crossing the road and, due to the force of the impact, was thrown towards the right side of the bus. There is no material to show that the accident occurred on account of any rash or negligent driving by the workman. Significantly, no criminal case was registered against him. In the absence of any independent material establishing negligence on the part of the driver, the finding of misconduct cannot be sustained merely on surmises. The Labour Court, upon appreciation of the evidence, has rightly interfered with the punishment imposed by the disciplinary authority. This Court does not find any perversity or jurisdictional error in the award warranting interference under Article 226 of the Constitution of India.

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

16.07.2026

NCC : Yes / No
Index : Yes / No
TSG



W.P(MD)No.13133 of 2023

WEB COPY

To

The Labour Court, Madurai.



WEB COPY



W.P(MD)No.13133 of 2023

M.DHANDAPANI, J.

TSG

W.P(MD)No.13133 of 2023

16.07.2026