

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2026

CORAM :

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

WA.(MD)No.932 of 2026
and
CMP.(MD)No.8166 of 2026

The Management,
Tamil Nadu State Transport Corporation Tirunelveli Limited,
Ranithottam,
Nagercoil,
Kanyakumari District.

...Appellant

Vs.

General Secretary,
The State Transport Employees Union,
23-B, Rranithottam,
Nagercoil,
Kanyakumari District.

... Respondent

PRAYER:- Writ Appeal filed under Clause 15 of the Letter Patent Act against the order passed in WP.(MD)No.7845 of 2022 dated 18.11.2025.

For Appellant : Mr.P.F.Ferlin Castro
For Respondent : Mr.S.Goindan



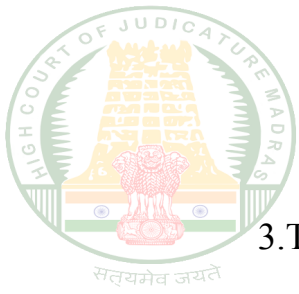
JUDGMENT

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(Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J.**)

The writ petitioner/Management, Tamil Nadu State Transport Corporation, Tirunelveli Limited at Nagercoil, aggrieved by the order of the learned Single Judge in W.P.(MD)No.7845 of 2022 dated 18.11.2025, by which order the writ petition was dismissed, filed the writ appeal.

2.The facts leading to the filing of the writ petition was that the respondent herein was a Driver of a bus bearing Registration No.TN-74-N-9044 and when plying in Route No.9, on 14.04.2015 is said to have hit a two wheeler, causing the death of the driver of the two wheeler. A criminal case was registered against the respondent under Crime No.156 of 2015. Thereafter, disciplinary proceedings were initiated and on conclusion, punishment of stoppage of increment for a period of 3 years with cumulative effect had been imposed by an order dated 17.04.2017. This punishment was challenged by raising an Industrial Dispute before the Labour Court at Labour Court, Tirunelveli. The Labour Court allowed the Industrial Dispute and set aside the punishment. Challenging the same, the management had filed that writ petition.



3.The learned Single Judge had examined the facts of the case and had found that FIR in Crime No.156 of 2015 was dropped as mistake of fact on conclusion of investigation and no criminal proceedings had been initiated before any Magistrate Court as against the respondent herein. The appellant herein had not challenged the said dropping of criminal case as mistake of fact by the Investigating Authority. The learned Single Judge also considered this particular fact and therefore, confirmed the findings of the Labour Court and refrained from setting aside the punishment imposed in the disciplinary proceedings. It is also to be noted that there had been a settlement under Section 12 (3) of the Industrial Disputes Act and it was noted that the respondent was entitled for the benefit under the said settlement.

4.The learned Counsel for the appellant forwarded a copy of the order of the Division Bench of this Court in W.A.(MD)No.587 of 2021 dated 17.06.2021 in the case of *Managing Director, Tamil Nadu State Transport Corporation and another vs. Sathyaseelan*, wherein the Division Bench on the facts and circumstances of that particular case modified the punishment imposed on the respondent. The learned Counsel therefore, contended that this Court should also modify the punishment imposed by the Disciplinary Authority on the respondent herein and impose appropriate punishment. If the



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management / appellant themselves are of the opinion that the punishment imposed on conclusion of the disciplinary proceedings should be modified, then they should have had that wisdom at that time and should have imposed an appropriate punishment. It is not for this court to sit on the armchair of the Disciplinary Authority and decide the nature of punishment to be imposed on a delinquent. That is beyond the jurisdiction of the court. We would only state that in response to the order of the Coordinate Division Bench cited above, the appeal stands dismissed at the time of admission itself. We are not impressed upon any of grounds raised and the writ appeal itself is dismissed in the admission stage itself. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[C.V.K, J.] [R.S.V, J.]
03.07.2026

Index : Yes
Neutral Citation : Yes
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To

General Secretary,
The State Transport Employees Union,
23-B, Rranithottam,
Nagercoil,
Kanyakumari District.



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**C.V. KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.**

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