



WP(MD)No.16411 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.08.2026

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP(MD)No.16411 of 2024

and

WMP(MD)No.14224 of 2024

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Region,
Tirunelveli.

... Petitioner

Vs.

The General Secretary,
Nellai District Transport Workers Union,
(CITU) Infront of State Transport Head Office,
Vannarapettai,
Tirunelveli-3.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, to call for the records pertaining to the impugned award passed by the Labour Court, Tirunelveli, in I.D.No.82 of 2022 dated 07.07.2023 and quash the same.

For Petitioners : Mr.K.Ramaiah
For Respondent : No appearance



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ORDER

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The prayer in this writ petition is to issue a Writ of Certiorari, to call for the records pertaining to the impugned award passed by the Labour Court, Tirunelveli, in I.D.No.82 of 2022 dated 07.07.2023 and quash the same.

2. Learned counsel appearing for the petitioner would submit that the member of the respondent Union namely, M.Mohandas was working as a driver in the petitioner Corporation. On 15/11/2010, while the respondent's member was driving a bus bearing Registration No.TN-72-N-1102 towards Uzhakudi. When the bus was reaching near Murugankurichi Town Bus Stop, the respondent's member drove the bus in a negligent manner and dashed the rear side of a private bus bearing registration No.TNI 4794 which was stationed in the said bus stop, as a result of which, 8 persons sustained injuries. For the said accident, the petitioner Management issued a charge memo and after conducting a domestic enquiry, imposed a punishment of withholding of increment for a period of one year with cumulative effect vide punishment order dated 02/04/2012. Thereafter, the matter was referred to conciliation and the Joint Commissioner of Labour sent a failure report to the Government.



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Thereafter, the Government by G.O(D)No.261, Labour and Employment (B1) Department, dated 01.06.2022, referred the matter to the Labour Court to decide the dispute. Subsequently, the respondent's member raised an industrial dispute before the Labour Court in I.D.No.82 of 2022. The Labour Court by its order dated, 07/07/2023 set aside the order of punishment. Challenging the same, the present writ petition is filed.

3. Learned counsel appearing for the petitioner would submit that admittedly, the respondent's member is working as a driver in the petitioner corporation. He involved in the accident by carelessly hitting a stationed private bus in the bus stop, in which, 8 persons sustained injuries. He would further submit that it is the duty cast upon the driver/respondent's member to see the stationed bus in the bus stop, but without minding the same, the driver of the bus dashed the rear side of the private bus, thereby, 8 persons sustained injuries. For such negligent act, the respondent's member was imposed with a minor punishment of withholding of increment for one year with cumulative effect. However, even such minor punishment has been interfered with by the Labour Court which is not sustainable one. Accordingly, he would pray for setting aside the impugned order.



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4. Despite service of notice, no one appeared for the respondent.

Hence, this Court is inclined to dispose the case on the basis of the available materials.

5. The facts in the present case are not in dispute. Admittedly, the respondent's member while was in duty, involved in the accident by carelessly hitting a stationed private bus in the bus stop, in which, 8 persons sustained injuries, for which, the petitioner Corporation imposed a punishment increment cut for one year with cumulative effect. Such a punishment in the opinion of this Court is too harsh.

6. The precedents on the issue of interference with the punishment imposed has been oft considered by the Courts and it has been the consistent view of the Courts that it is always within the domain of the disciplinary authority to decide on the punishment to be imposed on the delinquent, which should be proportionate to the act of the delinquent. Only when the punishment is disproportionate and shocking to the conscience, should the courts interfere in the same in exercise of powers under Article 226. In ***Prem Nath Bali v. High Court of Delhi*** reported in **2015 (16) SCC 415**, the Supreme Court held as under :-



“20. It is a settled principle of law that once the charges levelled against the delinquent employee are proved, it is for the appointing authority to decide the punishment to be imposed on the delinquent employee in accordance with the Rules. The appointing authority, keeping in view the nature and gravity of the charges, the findings of the Inquiry Officer, the entire service record of the delinquent employee, and all other relevant factors, exercises its discretion and imposes such punishment as is provided under the Rules.

21. Once such discretion is exercised by the appointing authority in imposing the punishment (whether minor or major), the Courts are slow to interfere with the quantum of punishment and substitute it only in rare and appropriate cases. Such power is exercised only when the Court finds that the delinquent employee has established that the punishment inflicted is wholly unreasonable, arbitrary, or disproportionate to the gravity of the proved charges, thereby shocking the conscience of the Court, or that it is in contravention of the Rules. In such cases, the Court may remit the matter to the appointing authority for imposing any other punishment in accordance with the Rules instead of the punishment originally awarded, or, in an appropriate case, substitute the punishment itself instead of remitting the matter to the appointing authority.”

(Emphasis Supplied)



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7. From the ratio laid down by the Apex Court above, it is crystal clear that the power to interfere with the punishment should be exercised only if the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges and, thereby, shocking the conscience of the Court or if it is in contravention of the Rules.

8. In the present case, considering the gravity of the charges levelled against the respondent's member, the punishment of increment cut for one year with cumulative effect is modified into the punishment of increment cut for six months without cumulative effect.

9. The Writ Petition is accordingly allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Neutral Citation : Yes / No
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To

The Judge,
Labour Court,
Tirunelveli.



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M.DHANDAPANI, J.

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ORDER MADE IN
W.P(MD)No.16411 of 2024
DATED : 06.08.2026