



W.P(MD)No.20135 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 13.07.2026

ORDER PRONOUNCED ON : 23.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.20135 of 2022

and

W.M.P.(MD).No.14642 of 2022

The Management,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Karaikudi Region,
Maruthupathi,
Karaikudi,
Sivagangai District.

... Petitioner

Vs

The General Secretary,
Tamil Nadu State Transport Thozhilalar Union,
CITU,
33, Nethaji Street,
Soodamanipuram,
Karaikudi.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to set aside the award passed by the Labour



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Court, Madurai made in I.D.No.32 of 2016 dated 05.03.2022 and quash the same as illegal.

For Petitioner : Mr.P.Balasubramanian

For Respondent : Mr.S.Arunachalam

ORDER

This writ petition has been filed quashing the award passed by the Labour Court, Madurai made in I.D.No.32 of 2016 dated 05.03.2022.

2. The learned counsel appearing for the petitioner submitted that the petitioner is a State Transport Corporation registered under the Companies Act and is engaged in providing public transport services. The service conditions of its employees are governed by the Certified Standing Orders and the Common Service Rules of the Corporation.

3. It is submitted that one Mr. G. Chellagundu was employed as a Conductor under the petitioner Corporation. On 25.07.2009, while he was performing his duties in the bus bearing Registration No.TN-63-N-0575, which was operating on the route from Thangachimadam to Verkodu, an accident occurred at about 4.05 a.m. near Bonthanpuli Bus Stop. At the time when the bus had slowed down for the purpose of boarding and alighting passengers, a lady



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passenger attempted to alight from the slowly moving bus, lost her balance, fell down and sustained injuries on her forehead. According to the petitioner, it is the duty of the Conductor to ensure that passengers intending to alight do so only after the vehicle comes to a complete halt and to alert the driver by blowing the whistle whenever necessary. Since the Conductor failed to prevent the passenger from alighting from the moving bus and did not give the necessary signal to the driver to stop the vehicle, he was held responsible for the occurrence of the accident. Consequently, a charge memorandum dated 23.02.2013 was issued against him.

4. It is further submitted that the delinquent employee did not submit any explanation to the charge memorandum. Therefore, a domestic enquiry was conducted. The employee participated in the enquiry proceedings, and the Enquiry Officer, upon considering the oral and documentary evidence, submitted his findings on 15.07.2013 holding that the charges were proved. Based on the findings of the Enquiry Officer, the disciplinary authority provisionally proposed to impose the punishment of stoppage of increment for three years with cumulative effect. A second show cause notice dated 26.08.2013 was issued to the



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employee, to which he submitted his explanation. After considering the explanation, the disciplinary authority modified the proposed punishment and imposed the punishment of stoppage of increment for two years with cumulative effect by order dated 27.08.2013. Aggrieved by the said punishment, the employee preferred a departmental appeal before the Managing Director on 21.01.2014. The Appellate Authority, after taking note of the fact that both the Conductor and the injured passenger had contributed to the occurrence of the accident and considering the nature of the injuries sustained by the passenger, further modified the punishment by reducing it to stoppage of one annual increment with cumulative effect by order dated 06.05.2014.

5. Thereafter, the respondent Union raised an industrial dispute under Section 2(k) of the Industrial Disputes Act, 1947 before the Labour Officer, Ramanathapuram. Since the conciliation proceedings ended in failure, the Conciliation Officer submitted a failure report under Section 12(4) of the Industrial Disputes Act. Based on the said report, the Government issued G.O. (D) No.458, Labour and Employment (P1) Department, dated 01.08.2016, referring the dispute for adjudication before the Labour Court, Madurai. The



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dispute was taken on file as I.D. No.32 of 2016. Before the Labour Court, the issue that arose for consideration was whether the punishment imposed by the Appellate Authority by order dated 06.05.2014, namely stoppage of one annual increment with cumulative effect, was liable to be set aside.

6. The learned counsel submitted that the Labour Court, after considering the materials placed before it, categorically held that the domestic enquiry had been conducted in a fair and proper manner and that there was no procedural irregularity or violation of the principles of natural justice. However, while exercising its powers under Section 11-A of the Industrial Disputes Act, the Labour Court proceeded to interfere with the findings of the Enquiry Officer by observing that the criminal case registered in respect of the accident had been closed as "mistake of fact" and that the materials available in the domestic enquiry indicated that the passenger herself was responsible for attempting to alight from the moving bus. Consequently, the Labour Court held that the findings of the Enquiry Officer were perverse, arbitrary and biased, concluded that the charge against the Conductor had not been proved, set aside the punishment order dated 06.05.2014 and directed the Corporation to extend the consequential monetary benefits to the employee.



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WEB COPY 7. According to the learned counsel for the petitioner, the Labour Court committed a serious error in interfering with the punishment. Having upheld the validity of the domestic enquiry, it ought not to have substituted its own findings without any legal basis. It is further submitted that the closure of the criminal case as "mistake of fact" has no bearing on the disciplinary proceedings, as the standard of proof in departmental proceedings is entirely different from that in criminal proceedings. It is also contended that the Labour Court failed to take note of the previous punishments imposed on the employee and overlooked the fact that the Appellate Authority had already shown considerable leniency by reducing the punishment from stoppage of increment for two years with cumulative effect to one year with cumulative effect. Therefore, it is contended that the award of the Labour Court is liable to be set aside.

8. Per contra, the learned counsel appearing for the respondent Union submitted that even according to the documents produced by the petitioner before the Labour Court, the injured passenger had attempted to alight from the bus before it had come to a complete halt. The Appellate Authority itself had recorded a finding that both the Conductor and the passenger were equally responsible for



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the occurrence. It was also observed that the passenger had sustained only simple injuries on her forehead. Taking into consideration these factors, the Appellate Authority reduced the punishment to stoppage of one annual increment with cumulative effect. The learned counsel further submitted that the criminal case registered in connection with the occurrence had ultimately been closed as "mistake of fact". The Labour Court, on an independent appreciation of the evidence available before it and in exercise of its powers under Section 11-A of the Industrial Disputes Act, rightly came to the conclusion that the charge had not been established and consequently set aside the punishment. It is therefore contended that the award does not suffer from any perversity or illegality warranting interference under Article 226 of the Constitution of India. In support of his submissions, the learned counsel for the respondent relied upon the judgment of this Court in W.P.(MD) No.7845 of 2022 dated 18.11.2025 and the judgment in W.P.(MD) No.14780 of 2018 dated 10.07.2018.

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



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WEB COPY10. The petitioner Corporation levelled allegations against the respondent.

It was alleged that the respondent, who was working as a Conductor, failed to prevent the passenger from alighting from the moving bus. However, the evidence available on record before the Labour Court clearly establishes that the lady passenger attempted to alight from the slow-moving bus, lost her balance, and sustained a simple injury on her forehead. Further, the law enforcement agency referred the case as a "mistake of fact." These factual findings clearly establish that there was no negligence on the part of the respondent employee.

11. The Labour Court has exercised its jurisdiction under Section 11-A of the Industrial Disputes Act after independently appreciating the evidence on record. It has assigned reasons for interfering with the punishment imposed by the Management. This Court, while exercising its 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 award suffers from patent illegality, perversity or jurisdictional error, interference is not warranted.



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WEB COPY12. In the result, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

23.07.2026

NCC : Yes / No
Index : Yes / No
TSG
To

The General Secretary,
Tamil Nadu State Transport Thozhilalar Union,
CITU,
33, Nethaji Street,
Soodamanipuram,
Karaikudi.



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M.DHANDAPANI, J.

TSG

**Pre-Delivery order made
in
W.P(MD)No.20135 of 2022**

23.07.2026