



W.P(MD)No.20311 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.20311 of 2024

and

W.M.P.(MD).No.17237 of 2024

The Management,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
19, Trivandrum Road,
Vannarpettai,
Tirunelveli-627 003.
Petitioner(s)

...

vs.

The General Secretary,
Tamil Nadu State Transport Corporation Staff Union,
Registration No.357/Tvl,
4A/5, Salai Street, (Opposite to ESI Hospital),
Annai Tellypoint Upstairs,
Vannarapettai,
Tirunelveli.

... Respondent(s)

PRAYER : Writ Petition, 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.25 of 2021 dated 02.06.2023 and quash the same.

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For Petitioner : Mr.K.Ramaiah

For Respondent : Mr.D.Ramya

ORDER

This Writ Petition has been filed challenging the impugned award passed by the Labour Court, Tirunelveli, in I.D.No.25 of 2021, dated 02.06.2023.

2. The learned counsel appearing for the petitioner-Corporation would submit that the respondent workman, namely, M.Guhan, was employed as a Driver in the petitioner-Corporation. On 15.05.2015, while he was operating a Corporation bus near Kayalpattinam Thayam Pallivasal junction, the bus met with an accident involving a two-wheeler, resulting the rider sustaining fatal injuries. Pursuant thereto, the petitioner-Corporation initiated disciplinary proceedings by issuing a suspension order along with charge memo on 18.05.2015. The respondent-workman submitted his explanation. Since the explanation offered by him was not satisfactory, the petitioner-Corporation conducted a domestic enquiry on 25.10.2016 in which the respondent-workman also participated. After conducting a detailed enquiry and affording sufficient opportunity to the



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respondent-workman, the Enquiry Officer submitted his report, holding the charges levelled against the delinquent as proved. Subsequently, a second show-cause notice was issued to the delinquent on 20.02.2017, to which he submitted his written explanation. Considering the seriousness of the accident and the explanation offered by the delinquent, the petitioner-Corporation passed the final order dated 20.03.2017 imposing the punishment of stoppage of increment for a period of three years with cumulative effect and treating the period of suspension as leave. Aggrieved by the said punishment order, the delinquent driver have not preferred any departmental appeal before the Managing Director within 60 days, instead of filing appeal with a delay of 116 days, therefore it was not considered. Under these circumstances, since the conciliation failed, the Joint Commissioner of Labour sent the failure report to the Government. Finally the driver approached the Labour Court, Tirunelveli by filing I.D.No.25 of 2021. The Labour Court, after conducting a full-fledged trial, allowed the industrial dispute by award dated 02.06.2023 and set aside the punishment imposed on the respondent-workman. Hence, the present Writ Petition.



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3. The learned Standing Counsel appearing for the respondent-Union would submit that the Labour Court, upon appreciation of the materials available on record, had rightly exercised its powers and set aside the punishment imposed by the disciplinary authority. Accordingly, he would pray for dismissal of the Writ Petition.

4. This Court has carefully considered the rival submissions and perused the materials available on record.

5. The issue relating to interference with the punishment imposed by the disciplinary authority has been considered by the Courts on several occasions. It is the consistent view that the quantum of punishment is primarily within the domain of the disciplinary authority, which has to impose a punishment commensurate with the gravity of the misconduct proved against the delinquent. The Courts would ordinarily refrain from interfering with the quantum of punishment and would do so only when the punishment imposed is disproportionate to the gravity of the proved misconduct and shocks the conscience of the Court. In *Prem Nath Bali v. High Court of Delhi* reported in



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WEB COPY 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



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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)

From the ratio laid down by the Hon'ble Supreme Court in the aforesaid decision, it is clear that the power to interfere with the punishment imposed by the disciplinary authority should be exercised only when the delinquent employee is able to establish that the punishment inflicted upon him is wholly unreasonable, arbitrary or disproportionate to the gravity of the proved charges and thereby shocks the conscience of the Court, or when the punishment is in contravention of the applicable Rules.



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6. In the present case, the accident occurred while the respondent-workman was discharging his duties as a Driver of the petitioner-Corporation. The occurrence of the accident, the death of one of the passenger is not in dispute. The disciplinary proceedings were initiated immediately after the occurrence by issuing a charge memo, and a domestic enquiry was conducted after affording adequate opportunity to the respondent-workman. It is well settled that the standard of proof required in a criminal prosecution is proof beyond reasonable doubt, whereas, in disciplinary proceedings, the charges are required to be established on the basis of the preponderance of probabilities.

7. In the present case, the disciplinary authority, after conducting a fair and proper domestic enquiry and considering the facts and circumstances of the case, imposed the punishment of stoppage of increment for a period of three years with cumulative effect. However, the Labour Court, while exercising its jurisdiction, set aside the punishment imposed by the disciplinary authority. Considering the overall facts and circumstances of the case and balancing the interests of both parties, this Court is of the view that the ends of justice would be met by modifying the punishment instead of setting it aside in toto. Accordingly, the



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punishment of stoppage of increment for three years with cumulative effect is modified to stoppage of increment for two years without cumulative effect.

8. In the result, the Writ Petition is partly allowed to the extent indicated above. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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To
Labour Court, Tirunelveli.



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M.DHANDAPANI,J.

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**ORDER MADE IN
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