



W.P(MD)No.22172 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.22172 of 2023

and

WMP (MD) No.18469 of 2026

The Management
The Tamil Nadu State Transport Corporation
Vannarpettai,
Tirunelveli – 3.

... Petitioner(s)

VS.

The General Secretary,
Tirunelveli District Transport
Employees Union (Lpf),
Kalignaragam,
Central Union Office Road,
Tirunelveli-3,
For C.Kumar, Employee

... 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 relating to the impugned order dated 24.02.2016 in I.D.No.95/2014 on the file of the Labour Court (FAC), Tirunelveli and quash the same.



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For Petitioner : Mr. D.Jebaraj

For Respondent : No appearance

ORDER

This writ petition has been filed challenging the award dated 24.02.2016 passed by the Labour Court (FAC), Tirunelveli.

2. The learned counsel appearing for the petitioner Corporation submitted that the concerned workman, a member of the respondent Union, entered service as a Driver in the petitioner Corporation. While the workman was discharging his duties as a Driver, on 02.11.2001 at about 8.30 p.m., he was driving the Corporation bus bearing Registration No. TN-72-N-0621 from Ambasamudram to Tirunelveli. Near Pirancheri Isakkiamman Temple, the bus dashed against a cyclist, resulting in the death of the cyclist. Pursuant thereto, the jurisdictional police registered a case in Crime No.280 of 2001 and after investigation, filed a final report against the workman, which was taken on file as C.C. No.38 of 2002. Apart from the criminal proceedings, the petitioner



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Corporation initiated disciplinary proceedings by issuing a charge memo dated 06.11.2001. A domestic enquiry was conducted by affording sufficient opportunity to the workman to defend himself. Upon conclusion of the enquiry and considering the materials available on record, the disciplinary authority imposed the punishment of stoppage of increment for eighteen months with cumulative effect. The learned counsel submitted that before the Labour Court, no oral evidence was adduced by either side. On behalf of the petitioner Corporation, Exhibits M-1 to M-14 were marked. Exhibit M-14 relates to the previous punishments imposed on the concerned workman. The learned counsel further contended that though the criminal case ended in acquittal, the petitioner Corporation was well within its powers to proceed with the disciplinary proceedings, as the standard of proof in departmental proceedings is distinct from that applicable in criminal proceedings. According to the learned counsel, the domestic enquiry clearly established that the accident occurred due to the rash and negligent driving of the workman, resulting in the loss of a human life. Therefore, the punishment imposed was fully justified.



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3. The learned counsel further submitted that the punishment imposed was only stoppage of increment for eighteen months with cumulative effect, which cannot, by any stretch, be termed excessive or disproportionate, particularly when the misconduct resulted in a fatal accident. It was therefore contended that the Labour Court ought not to have interfered with the quantum of punishment, as interference with the punishment imposed by the disciplinary authority is permissible only when it is shockingly disproportionate to the proved misconduct. In the present case, the punishment imposed was a lenient one considering the gravity of the misconduct. Accordingly, the learned counsel prayed that the award of the Labour Court be set aside and the writ petition be allowed.

4. Though notice was ordered to the respondent and the name of the respondent is printed in the cause list, there is no representation on behalf of the respondent. Accordingly, this Court proceeds to hear the learned counsel for the petitioner and dispose of the writ petition on merits.



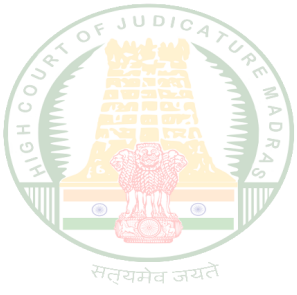
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5. This Court has carefully considered the submissions of the learned counsel for the petitioner and perused the materials available on record.

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



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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)

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



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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.

7. The accident in question occurred while the respondent workman was discharging his duties as a Driver of the petitioner Corporation. 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 workman. The Labour Court has not recorded any finding that the domestic enquiry was vitiated for violation of the principles of natural justice. Merely because the respondent workman was acquitted in the criminal proceedings, the same would not render the disciplinary proceedings unsustainable. It is well settled that criminal proceedings and departmental proceedings operate in different fields and the standard of proof required in the latter is that of preponderance of probabilities. Therefore, the acquittal in the criminal case cannot, by itself, be a ground to interfere with the punishment imposed in the departmental proceedings. It is also not in dispute that the

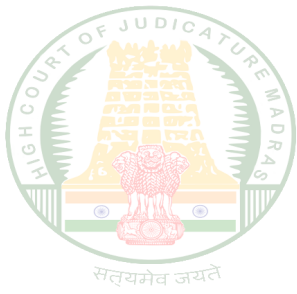


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industrial dispute challenging the punishment was raised after an inordinate delay of nearly fourteen years. By the time the dispute was raised, the punishment had already been implemented. The Labour Court failed to consider the effect of such enormous delay and the prejudice caused to the petitioner Corporation on account of entertaining the dispute after such a prolonged period.

8. Further, the punishment imposed on the respondent workman is only stoppage of increment for eighteen months with cumulative effect. Considering the nature of the misconduct, namely rash and negligent driving resulting in the loss of a human life, the punishment cannot, by any stretch of imagination, be said to be shockingly disproportionate. The Labour Court, while exercising its jurisdiction under Section 11-A of the Industrial Disputes Act, could have interfered with the quantum of punishment only if it was found to be wholly disproportionate or arbitrary. In the absence of any such finding, the interference made by the Labour Court with the punishment imposed by the disciplinary authority is wholly unwarranted. Accordingly, this Court is of the considered view that the award passed by the Labour Court is unsustainable in law and is liable to be set aside.



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9. In the result, the writ petition is allowed and the award dated 24.02.2016 passed by the Labour Court is set aside. The punishment imposed by the disciplinary authority is restored. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

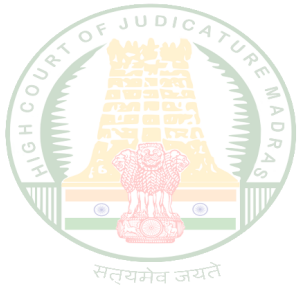
28.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

To

The General Secretary,
Tirunelveli District Transport
Employees Union (Lpf),
Kalignaragam,
Central Union Office Road,
Tirunelveli-3.

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M.DHANDAPANI,J.

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**ORDER MADE IN
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DATED : 28.07.2026

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