



W.P(MD)No.23636 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.23636 of 2023

and

WMP (MD) No.19807 of 2023

The Management
Tamil Nadu State Transport Corporation
Tirunelveli Limited, Tirunelveli Division,
19, Tiruvananthapuram Salai,
Vannarpettai,
Tirunelveli.

... Petitioner(s)

vs.

General Secretary,
Nellai District Transport Employees Union,
Opp. to Tnstc,
Tirunelveli-3
For P.Jeyajothirajan, Driver,
(Employee No.3991)

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari to call for the records relating to the impugned order 25.02.2016 in I.D.No.94 of 2014 on the file of the Labour Court, Tirunelveli and set aside the above order.

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For Petitioner : Mr. D. Jebaraj
For Respondent : Mr.S.Arunachalam

ORDER

This writ petition has been filed challenging the order dated 25.02.2016 passed by the Labour Court, Tirunelveli.

2. The case of the petitioner is that the respondent/workman was employed as a Driver in the petitioner Transport Corporation. On 09.11.2009, while he was on duty driving the Corporation bus bearing Registration No. TN-72 N 1346 from Tirunelveli to Udangudi, near Bell Pin School, he drove the vehicle in a rash and negligent manner and hit a two-wheeler, resulting in the death of its rider. In connection with the said accident, the jurisdictional police registered a case in Crime No.146 of 2009 under Sections 279, 337 and 304-A of IPC against the respondent/workman. Thereafter, the petitioner Corporation initiated disciplinary proceedings by issuing a charge memo dated 17.11.2009. A full-fledged domestic enquiry was conducted, in which the respondent/workman participated. On conclusion of the enquiry, the disciplinary authority imposed the



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punishment of stoppage of increment for two years with cumulative effect by order dated 18.09.2010. Aggrieved by the said punishment, the respondent Union raised an industrial dispute in I.D. No.94 of 2014. The Labour Court, by the impugned award, set aside the punishment. Challenging the same, the present writ petition has been filed by the Transport Corporation.

3. The learned counsel for the petitioner submitted that it is an admitted fact that the respondent/workman was involved in a fatal accident in which a person lost his life. Taking into consideration the gravity of the misconduct and the length of service of the respondent/workman, the disciplinary authority imposed only a minor punishment of stoppage of increment for two years with cumulative effect. The Labour Court was not justified in interfering even with such a minor punishment. If a driver, who is responsible for a fatal accident, is allowed to continue without any punishment, the safety of the passengers as well as other road users would be seriously jeopardized. He further submitted that the power under Section 11-A of the Industrial Disputes Act is ordinarily invoked to interfere with a major punishment. In the present case, the punishment imposed being only a minor one, the Labour Court ought not to have



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interfered with the same. Accordingly, he prayed for allowing the writ petition.

4. Per contra, the learned counsel appearing for the respondent/workman submitted that in respect of the very same accident, the respondent/workman was prosecuted in the criminal case and was ultimately acquitted. Once the criminal Court acquitted the respondent/workman on the very same set of allegations, the disciplinary authority ought not to have imposed the punishment. The Labour Court rightly appreciated the facts and interfered with the punishment. Therefore, the impugned award does not warrant any interference and the writ petition is liable to be dismissed.

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

6. The facts are not in dispute. Admittedly, the respondent/workman, while working as a Driver in the petitioner Corporation on 09.11.2009, was driving the Corporation bus when it met with an accident involving a two-wheeler, resulting in the death of its rider. Thus, the occurrence of the accident



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and the loss of one human life are not in dispute. 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 only on the basis of preponderance of probabilities. Therefore, the acquittal of the respondent/workman in the criminal case would not, by itself, preclude the disciplinary authority from imposing an appropriate punishment.

7. In the present case, the disciplinary authority, after conducting a fair domestic enquiry and considering the entire facts and circumstances, imposed only the punishment of stoppage of increment for two years with cumulative effect. The Labour Court interfered with the said punishment without assigning any justifiable reason. Such interference with a minor punishment is unwarranted and cannot be sustained. However, 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. Accordingly, the punishment of stoppage of increment for two years with cumulative effect is modified as stoppage of increment for two years without cumulative effect.



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8. The writ petition is partly allowed to the above extent. No costs.

Consequently, the connected miscellaneous petition, if any, is closed.

22.07.2026

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



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M.DHANDAPANI,J.

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**ORDER MADE IN
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DATED : 22.07.2026