



W.P(MD)No.26080 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.26080 of 2022

and

W.M.P(MD)No.20215 of 2022

M.Elango

... Petitioner

Vs

The Management,
Tamil Nadu State Transport Corporation,
Bypass Road,
Collector Office Post,
Dindigul.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned award passed by the Labour Court, Trichy in I.D.No.73 of 2016 dated 15.11.2021 confirming the impugned order passed by the respondent vide his proceedings in Paarvai.Sathu.A1.8022 dated 26.11.2013 and quash the same as illegal.



W.P(MD)No.26080 of 2022

WEB COPY

For Petitioner : Mr.M.Mohamed Zamil
for M/s.Ajmal Associates

For Respondent : Mr.S.C.Herold Singh

ORDER

The present Writ Petition has been filed challenging the award passed by the Labour Court, Tiruchirappalli, in I.D.No.73 of 2016 dated 15.11.2021, whereby the Labour Court confirmed the order of punishment dated 26.11.2013 passed by the respondent Management.

2.The learned counsel appearing for the petitioner submitted that the petitioner was initially appointed as a Driver at Ponnamaravathi, Pudukkottai District, in the year 1997 and that his services were regularised in the year 1999. While so, on 26.10.2012, when the petitioner was driving the bus bearing Registration No.TN-57-N-1293, an accident occurred while the bus was negotiating a turn at old Vathalagundu Village. At that point of time, students rushed towards the bus in an attempt to secure seats. It is the petitioner's case that one student was pushed by the crowd and came into



W.P(MD)No.26080 of 2022

WEB COPY

contact with the corner beading plate protruding from the rear left side of the bus, resulting in fatal injuries. The student, namely Lakshmanan, died on the spot.

3. Based on the said incident, the respondent Management initiated disciplinary proceedings by issuing a charge memo alleging that the petitioner had driven the bus in a rash and negligent manner, resulting in the death of the student and causing loss to the Corporation. The petitioner submitted a detailed explanation denying the allegations. Since the explanation was found to be unsatisfactory, a domestic enquiry was ordered. According to the petitioner, no eyewitnesses were examined during the enquiry and the Enquiry Officer arrived at a finding of guilt solely on the basis of the evidence adduced by the Management witnesses. Thereafter, a second show cause notice was issued and, after considering the petitioner's further explanation, the respondent imposed the punishment of stoppage of increment for a period of three years with cumulative effect.



W.P(MD)No.26080 of 2022

WEB COPY

4. Aggrieved by the said punishment, the petitioner raised an industrial dispute in I.D.No.73 of 2016 before the Labour Court, Tiruchirappalli. The Labour Court, by award dated 15.11.2021, dismissed the industrial dispute and upheld the punishment. Challenging the said award, the present Writ Petition has been filed.

5. The learned counsel for the petitioner further submitted that on the date of the occurrence, while the petitioner was negotiating a curve near old Vathalagundu, the road was narrow and another bus was approaching from the opposite direction. In order to avoid a head-on collision and to give way to the oncoming vehicle, the petitioner reversed the bus after carefully observing both rear-view mirrors. Thereafter, students boarded the bus and, only after ensuring that they had boarded, he moved the vehicle. At that time, the deceased allegedly attempted to board the moving bus, lost his balance and sustained fatal injuries due to contact with the protruding rod fixed to the bus. Therefore, according to the petitioner, the accident did not



W.P(MD)No.26080 of 2022

WEB COPY

occur on account of any rash or negligent driving on his part. It is further contended that the findings recorded in the domestic enquiry were unsupported by proper evidence and that the punishment of stoppage of increment for three years with cumulative effect is liable to be set aside.

6.Per contra, the learned counsel appearing for the respondent Management submitted that the charge of negligence stood established in the domestic enquiry. The Labour Court, upon an independent consideration of the oral and documentary evidence available on record, concurred with the findings of the Enquiry Officer and upheld the punishment. It is contended that this Court, while exercising jurisdiction under Article 226 of the Constitution of India, cannot re-appreciate the evidence as if sitting in appeal over the findings of the Labour Court. Unless the findings are shown to be perverse, arbitrary or unsupported by any evidence, interference is unwarranted.



W.P(MD)No.26080 of 2022

WEB COPY

7.The learned counsel further submitted that the standard of proof required in departmental proceedings is that of preponderance of probabilities and not proof beyond reasonable doubt as required in criminal proceedings. In the present case, the evidence available on record clearly establishes that the petitioner moved the bus without receiving the mandatory signal from the conductor, who was on duty at the relevant point of time. Such conduct amounted to negligence and directly resulted in the unfortunate death of a student. Considering the gravity of the misconduct, the respondent Management had, in fact, taken a lenient view and imposed only the punishment of stoppage of increment for a period of three years with cumulative effect. Therefore, no interference is called for with either the order of punishment or the award passed by the Labour Court.

8.Heard the learned counsel appearing on either side and perused the materials available on record.



W.P(MD)No.26080 of 2022

WEB COPY

9.This Court has carefully considered the rival submissions and examined the records. It is not in dispute that disciplinary proceedings were initiated against the petitioner, a full-fledged domestic enquiry was conducted and the Enquiry Officer found the charges proved. The petitioner was afforded adequate opportunity to participate in the enquiry and to submit his explanation both before and after the enquiry. The disciplinary authority, upon considering the enquiry report and the petitioner's explanation, imposed the punishment of stoppage of increment for three years with cumulative effect.

10.The Labour Court has independently examined the entire materials placed before it and has categorically held that the domestic enquiry was fair and proper and that the findings recorded by the Enquiry Officer were supported by acceptable evidence. The Labour Court has also found that the petitioner had moved the bus without receiving the signal from the conductor, thereby exhibiting negligence in the discharge of his duties, which ultimately resulted in the unfortunate death of a student.

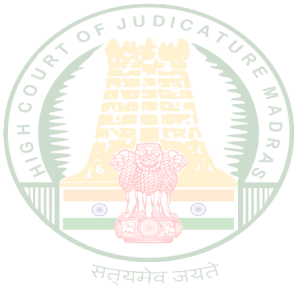


W.P(MD)No.26080 of 2022

WEB COPY

11.It is well settled that the scope of judicial review under Article 226 of the Constitution of India against disciplinary proceedings is limited. This Court does not sit as an appellate authority to re-appreciate the evidence recorded in a domestic enquiry or before the Labour Court. Interference is warranted only if the findings are perverse, based on no evidence, or if there is violation of the principles of natural justice or statutory provisions.

12.In the case on hand, this Court does not find any perversity in the findings recorded either by the Enquiry Officer or by the Labour Court. The conclusions arrived at are based on the evidence available on record and cannot be characterised as arbitrary or unreasonable. Merely because the petitioner offers a different version regarding the manner in which the accident occurred, this Court cannot substitute its own views for the concurrent findings of fact recorded by the disciplinary authority and the Labour Court.



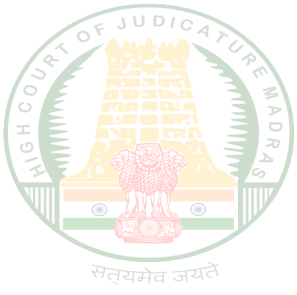
W.P(MD)No.26080 of 2022

WEB COPY

13.It is also relevant to note that the standard of proof in departmental proceedings is one of preponderance of probabilities and not proof beyond reasonable doubt. Therefore, the pendency or outcome of any criminal proceedings, if any, has no bearing on the validity of the disciplinary action. The materials available on record sufficiently establish negligence on the part of the petitioner for the purpose of the departmental proceedings.

14.Considering the gravity of the misconduct, which resulted in the loss of a young student's life, the punishment imposed by the respondent Management, namely stoppage of increment for a period of three years with cumulative effect, cannot be said to be disproportionate. On the contrary, the punishment imposed is rather lenient in the facts and circumstances of the case.

15.In view of the above, this Court finds no illegality, infirmity or perversity either in the order of punishment dated 26.11.2013 or in the



W.P(MD)No.26080 of 2022

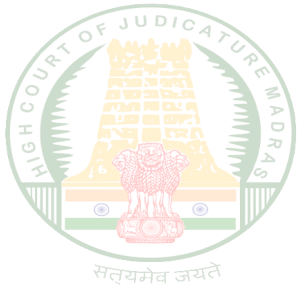
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award of the Labour Court, Tiruchirappalli, in I.D.No.73 of 2016 dated 15.11.2021 warranting interference under Article 226 of the Constitution of India.

16.Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

06.07.2026

NCC : Yes / No
Index : Yes / No
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W.P(MD)No.26080 of 2022

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W.P(MD)No.26080 of 2022

M.DHANDAPANI, J.

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W.P(MD)No.26080 of 2022

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