



W.P(MD)No.28119 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.28119 of 2023

and

WMP (MD) No.24213 of 2023

The Management
Tamilnadu State Transport Corporation
Tirunelveli Region,
Tirunelveli – 627 003.

... Petitioner(s)

vs.

General Secretary,
Nellai District Transport Employees
Union (CITU),
Transport Corporation
Infront of Head Office,
Vannarapettai,
Tirunelveli - 3
For V.Lakshmanan

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the award of the Labour court, Tirunelveli in I.D.No. 61 of 2014 dated 02.12.2015



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and quash the same and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.D.Jebaraj

For Respondent : Mr.S.Arunachalam

ORDER

This writ petition has been filed challenging the award dated 02.12.2015 passed by the Labour Court, Tirunelveli.

2. The learned counsel appearing for the petitioner Corporation submitted that the respondent workman, V. Lakshmanan (EDP No.10888), was employed as a Driver in the petitioner Corporation. On 31.12.2010, while he was operating the Corporation bus bearing Registration No. TN-67-N-0279 from Kovilpatti to Shenkottai, at about 10.15 p.m., the bus met with an accident near South Mada Street, Sankarankovil, resulting in the death of a passenger. Pursuant thereto, a criminal case was registered against the respondent workman in Crime No.2 of 2011 on the file of Sankarankovil Police Station. The petitioner Corporation initiated disciplinary proceedings by placing the respondent



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workman under suspension on 11.01.2011 and issuing a charge memo dated 14.01.2011 alleging rash and negligent driving, constituting misconduct under Standing Orders 16(14) and 16(18). The Enquiry Officer, by his report, held all the charges proved. Thereafter, a second show cause notice dated 15.05.2012 proposing the punishment of stoppage of increment for three years with cumulative effect was issued along with the past service particulars. After considering the explanation submitted by the respondent, the disciplinary authority, taking a lenient view, imposed the punishment of stoppage of increment for two years with cumulative effect and treated the period of suspension as eligible leave by proceedings dated 15.06.2012. Thereafter, the respondent workman raised an industrial dispute through the respondent Union, which ultimately culminated in I.D. No.61 of 2014 before the Labour Court, Tirunelveli. The Labour Court interfered with the punishment imposed by the disciplinary authority. According to the learned counsel, the Labour Court failed to appreciate that the misconduct stood established in a fair and proper domestic enquiry and that the punishment imposed was only a minor punishment considering the gravity of the misconduct, which resulted in the loss of a human life. It was therefore contended that the Labour Court was not justified in exercising its



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power to interfere with the quantum of punishment. Accordingly, the learned counsel prayed for allowing the writ petition.

3. The learned counsel appearing for the respondent workman submitted that the Labour Court, upon an appreciation of the materials available on record, rightly exercised its powers and modified the punishment imposed by the disciplinary authority. It was contended that the respondent had denied the allegation of rash and negligent driving and had consistently maintained that the accident occurred due to the carelessness of the passenger. The Labour Court, having found the punishment to be disproportionate to the nature of the misconduct, exercised its discretion to modify the same. Accordingly, the learned counsel prayed for dismissal of the writ petition.

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

5. 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



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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 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



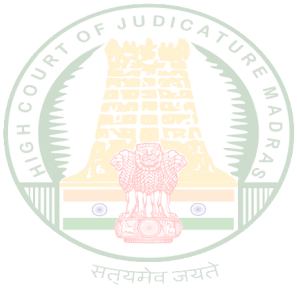
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exercised only when the Court finds that the delinquent employee has established that the punishment inflicted is wholly unreasonable, arbitrary, or disproportionate to the gravity of the proved charges, thereby shocking the conscience of the Court, 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 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.



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6. The accident in question occurred while the respondent workman was discharging his duties as a Driver of the petitioner Corporation. Thus, the occurrence of the accident and the loss of one human life are 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 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 only on the basis of preponderance of probabilities.

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.



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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.

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

Consequently, the connected miscellaneous petition is closed.

28.07.2026

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

To

General Secretary,
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M.DHANDAPANI,J.

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**ORDER MADE IN
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