



W.P(MD)No.31283 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.31283 of 2023

and

W.M.P(MD)No.26819 of 2023

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Region,
Tirunelveli.

... Petitioner

Vs

General Secretary,
Nellai District Transport Labour Association,
(CITU) Infront of Tamil Nadu State Transport Office,
Vannarpettai,
Tirunelveli - 3.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, 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.77 of 2021 dated 16/02/2023 and quash the same.



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For Petitioner : Mr.K.Ramaiah

For Respondent : Mr.S.Arunachalam

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorari to call for the records pertaining to the impugned Award passed by the Labour Court, Tirunelveli, in I.D.No.77 of 2021, dated 16.02.2023, and to quash the same.

2.The learned counsel appearing for the petitioner/Management submitted that the member of the respondent Association was employed as a Conductor in the petitioner Corporation. On 27.10.2015, while the driver was operating the bus in which the said workman was on duty as Conductor, the bus dashed against a cyclist, causing the cyclist to sustain abrasion injuries. According to the petitioner, the occurrence was not intimated to the petitioner Corporation by the Conductor as required under the relevant Service Regulations and Standing Orders. Consequently, disciplinary



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proceedings were initiated against the workman. After conducting a domestic enquiry, the Enquiry Officer submitted a finding holding the charge proved. Based on the said finding, a second show cause notice was issued and, thereafter, by order dated 28.11.2016, the punishment of stoppage of one annual increment for one year with cumulative effect was imposed. Aggrieved by the said punishment, the workman raised an industrial dispute in I.D.No.77 of 2021 after nearly five years. The Labour Court, by the impugned Award dated 16.02.2023 partly allowed the dispute by modifying the punishment to stoppage of increment for six months without cumulative effect. Challenging the said Award, the present Writ Petition has been filed.

3.The learned counsel for the petitioner further submitted that whenever an accident occurs during the course of operation of the bus, it is the duty cast upon the Conductor on duty to immediately intimate the petitioner Corporation. The failure to do so is in violation of the applicable Standing Orders. Therefore, the disciplinary authority rightly imposed the



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punishment, and the Labour Court was not justified in interfering with the same by modifying the punishment. Hence, it is contended that the impugned Award is liable to be set aside.

4.Per contra, the learned counsel appearing for the member of the respondent Association submitted that the primary responsibility to report the accident rests upon the driver who was driving the vehicle. Merely because the workman was serving as a Conductor, the entire responsibility cannot be fastened upon him. It is further submitted that, taking into consideration the nature of the charge and the punishment imposed, the Labour Court, in exercise of its powers under Section 11-A of the Industrial Disputes Act, modified the punishment. Such exercise of discretion cannot be said to be arbitrary or perverse so as to warrant interference under Article 226 of the Constitution of India. Therefore, he prayed for dismissal of the Writ Petition.



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5.This Court has carefully considered the submissions made on either side and perused the materials available on record.

6.Admittedly, the workman was serving as a Conductor in the bus involved in the accident. The charge against him is not that he had caused the accident, but that he failed to report the occurrence to the petitioner Corporation. Based on the evidence adduced in the domestic enquiry, the disciplinary authority imposed the punishment of stoppage of one annual increment for one year with cumulative effect.

7.The Labour Court, upon reappreciation of the materials available on record and in exercise of its jurisdiction under Section 11-A of the Industrial Disputes Act, found that the punishment imposed was disproportionate to the nature of the misconduct and accordingly modified the same to stoppage of increment for six months without cumulative effect. The power conferred upon the Labour Court under Section 11-A includes the



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authority to interfere with the quantum of punishment where it is found to be excessive or disproportionate.

8.This Court does not find any perversity, illegality, or jurisdictional error in the exercise of such discretion by the Labour Court. The modification of punishment cannot be said to be arbitrary or unreasonable warranting interference under Article 226 of the Constitution of India. It is well settled that this Court, while exercising its power of judicial review, does not sit in appeal over the findings or the discretion exercised by the Labour Court unless the Award suffers from patent illegality or perversity. No such infirmity is made out in the present case.

9.Accordingly, this Writ Petition stands dismissed. 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



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To

The Labour Court,
Tirunelveli.



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M.DHANDAPANI, J.

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