



W.P No.3747 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

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THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P No.3747 of 2022

and

WMP.No.3892 of 2022

The Management,
Managing Director,
Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai,
Chennai-600 002.

... Petitioner

vs.

The Deputy General Secretary,
Nethaji Pokkuvarathu Thozhilargal
Padhagappu Thozhir union,
No.18, Kollam Thottam,
Madhavaram High Ways (North),
Perambur, Chennai-600 011.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records pertaining to the order passed in I.D.No.800 of 2015 dated 17.11.2021 on the file of the Principal Labour Court, Chennai and quash the same.

For Petitioner : Mr.A.Vinothraj



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: Standing Counsel for
Metropolitan Transport Corporation, Chennai

For Respondent : Mr.C.D.Sugumar

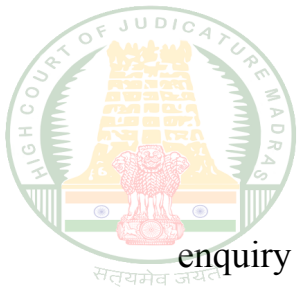
ORDER

This petition has been filed seeking to quash the impugned order dated 17.11.2021 passed by the Principal Labour Court, Chennai in I.D.No.800 of 2015.

2. The short facts necessary to dispose of this Writ Petition are as follows:

Mr. S. N. Prabhu was employed as a driver by the petitioner management and was a member of the respondent union. On 06.08.2008, while serving as a Reserve Crew Driver at Basin Bridge Depot on route No. 159A, he was involved in a fatal accident near the Elephant Gate Fire Station, allegedly due to rash and negligent driving. At the time of the accident, his service had not yet been regularized. Consequently, he was issued a charge memo under Sections 25(xxvii), 25(xiii)(a), and 25(xiii), and was asked to submit an explanation.

3. The driver's explanation was deemed unsatisfactory, and a domestic



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enquiry was initiated to afford him an opportunity to explain. The Enquiry Officer concluded that the charges were proved. After receiving the enquiry report, the management sought a further explanation from Mr. Prabhu. As his explanation remained unsatisfactory, the transport corporation's authority awarded punishment of postponement of annual increment cumulatively for three years with effect from 15.05.2010.

4. Aggrieved by this punishment, the respondent union raised an industrial dispute before the Principal Labour Court, Chennai, in I.D. No. 800 of 2015 on 17.11.2021 and the Labour Court set aside the punishment imposed by the management. In turn, the petitioner Management has filed the present writ petition challenging that order.

5. The learned counsel appearing for the petitioner submits that the driver of petitioner's corporation namely S.N.Prabhu, while he was on duty on 06.08.2008, due to his rash and negligent driving, caused fatal accident. Therefore, charge memo was issued and thereafter they have conducted domestic enquiry and after enquiry, the Enquiry Officer has submitted his report that the charges against the driver were proved. Thereafter, the petitioner management called for further explanation from the bus driver.



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Being not satisfied with the explanation given by the bus driver, the Disciplinary authority of the transport corporation has postponed the annual increment of the driver for three years with cumulative effect on 15.05.2010. The same was challenged by the respondent union before the Principal Labour Court, Chennai. The Labour Court without considering the merits of the case, erroneously allowed the industrial dispute and set aside the order of the petitioner management. The charges levelled against the driver are serious in nature and therefore the disciplinary authority of the transport corporation after considering the evidence, has imposed punishment of withholding of increment for three years with cumulative effect. Hence, the order passed by the Principal Labour Court is liable to be quashed.

6. The learned counsel appearing for the respondent submits that the accident took place due to the negligence on the part of the pedestrian. While the bus was going on, the pedestrian without minding the bus, suddenly crossed the road and invited the accident. Before the Enquiry Officer, no competent eye witness was examined. In order to prove the negligence on the part of the bus driver, no eye witness were examined. Before the Labour Court, on the side of workman, the petitioner examined himself as WW1 and marked exhibits Ex.W1 to Ex.W9. On the side of the management, no witness



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was examined and no exhibits were marked. Therefore, the Labour Court after considering the evidence fairly, came to the conclusion that the charges against the driver of the bus were not proved and thereby set aside the punishment awarded by the management. Hence, the present writ petition is liable to be dismissed.

7. Heard both sides and perused the materials available on record.

8. A perusal of available record reveals that there is no dispute that the accident occurred on 06.08.2008 and the driver was on duty in the said bus which involved in the accident. According to the management, the accident had occurred due to the rash and negligent driving of the driver of the bus and charge memo was also issued to him and thereafter, domestic enquiry was conducted. In the domestic enquiry, the department has not examined the eye witness who witnessed the accident. Per contra, they have examined only staff of the transport corporation. It further reveals that the driver of the bus denied his negligence on his part. According to the driver of the bus, the accident had occurred due the negligence on the part of the pedestrian.

9. In order to prove the negligence on the part of the driver, the



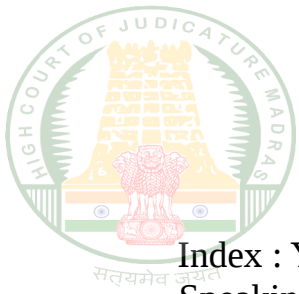
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management failed to examine any eyewitness who witnessed the accident.

Even before the Labour Court, the management failed to examine any witness on their side. The witness examined by the management is not a competent witness to speak about the negligence. Since he is not an eyewitness to the occurrence. The Management failed to examine either any of the passenger or the conductor of the bus who was on duty on the date of occurrence. Therefore, the Labour Court after elaborate discussion and after discussing the judgment of this court held that the management failed to prove the negligence on the part of the driver of the bus. Therefore, the Labour Court rightly set aside the order passed by the respondent in the disciplinary proceedings as against the driver of the bus and there is no illegality or infirmity in the order passed by the Labour Court.

10. In view of the above, this Court is of the opinion that this writ petition has no merits. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

30.06.2025



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Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case: Yes/No

Vv

To

The Principal Labour Court, Chennai

P.DHANABAL, J.

Vv



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