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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.18223 of 2022
and WMP.No.17564 of 2022

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

... Petitioner

Vs

The General Secretary,
Arasanga Pokkuvarathu Oozhiyar Sangam,
No.73/MDS, Inaippu CITU,
No.2, Pallavan Salai, Kalaingaranga Valagam,
Chennai - 600 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the order passed in O.P.No.148 of 2019 dated 11.03.2022 on the file of the III Additional Labour Court, Chennai and quash the same.

For Petitioner : M/s. T.Kavya for
Mr.C.Gauthamaraj

For Respondent : Mr.S.T.Varadarajulu

**ORDER**

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This petition has been filed by the petitioner/management to quash the order passed in O.P.No.148 of 2019 dated 11.03.2022 on the file of the III Additional Labour Court, Chennai.

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

The member of the respondent union namely S.Raveendran, who was working as a driver in the petitioner management, was plying the bus on 05.09.2014, from Tollgate to High Court. At that time, at about 4.30 p.m, he caused accident to a lady passenger and thereby the passenger sustained injuries. Therefore, a charge memo was issued to the driver. He also submitted his explanation. Being not satisfied with the explanation, a domestic enquiry was conducted and the enquiry officer rendered findings that the charges against the driver were proved. Thereafter, a second show cause notice was issued to the driver of the bus, and he also submitted his explanation and thereafter, the disciplinary authority awarded the punishment of postponement of one year increment with cumulative effect. Therefore, the respondent union challenging the said punishment, raised an Industrial Dispute before the III Additional Labour Court, Chennai in O.P.No.148 of 2019. The Labour Court, allowed the Industrial Dispute and



set aside the punishment awarded by the petitioner/management. Now, the petitioner management has filed the present writ petition, challenging the said order.

3. The learned counsel appearing for the petitioner would submit that the driver, a member of the respondent union namely S.Raveendran, was working as a driver in the petitioner's management. On 05.09.2014, due to his rash and negligent driving, he caused an accident for a lady passenger and thereby a charge memo was issued to him. The disciplinary proceedings were initiated and after following the principle of natural justice, the enquiry authority concluded the proceedings and rendered findings that the charges were proved. Thereafter, the punishment of a postponement of one month increment with cumulative effect was awarded. The said order was challenged by the respondent union before the Labour Court, Chennai. The Labour Court, without considering the evidence adduced by the management, erroneously came to the conclusion that the charges against the delinquent were not proved and thereby set aside the punishment order passed by the disciplinary authority. Therefore, the order passed by the Labour Court is liable to be set aside.

4. The learned counsel appearing for the respondent would submit

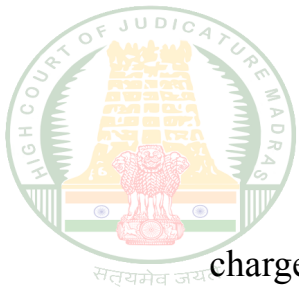


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that the member of the respondent union, namely S.Raveendran was working as a driver in the petitioner / management. When he was plying the bus on 05.09.2014, the bus was on the signal, a lady passenger got down from the bus and fell down due to her own negligence. However, the petitioner issued a charge memo to the driver of the bus, and he also submitted his explanation and the same was not accepted by the disciplinary authority. Even, as per the enquiry report, the injured also contributed to the negligence. However, the disciplinary authority awarded the punishment of postponement of increment for one year with cumulative effect. Therefore, the respondent union raised an industrial dispute before the Labour Court, Chennai and the Labour Court after an elaborate discussion and analysing the evidence adduced by both sides came to the fair conclusion that the charges against the driver of the bus had not been proved and therefore set aside the punishment awarded by the disciplinary authority. Therefore, the order passed by the Labour Court order is in order and the present writ petition is liable to be dismissed.

5. This Court heard both sides and perused the materials available on record.

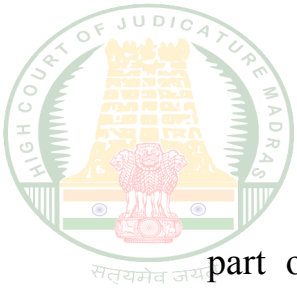
6. In this case, the driver of the bus in the petitioner/management was



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charged with misconduct of driving the bus in a rash and negligent manner, thereby causing an accident to the lady passenger on 05.09.2014. For the above said incident, a charge was issued and a domestic enquiry was conducted and there is no dispute in respect of the opportunity given to the driver of the bus during the domestic enquiry. The enquiry authority rendered findings that the injured also contributed to the negligence. However, the disciplinary authority awarded the punishment of postponement of increment for one year with cumulative effect. The enquiry officer in his report stated that the occurrence had not occurred at the bus stop, and had occurred when the bus had stopped due to the signal, and when the driver made an U-Turn, the lady passenger from the bus got down through the front foot-board. Therefore, the injured herself contributed to the negligence. The witness examined by the management in the domestic enquiry is also not an eye witness to the occurrence, and no passengers of the bus or the conductor of the bus were examined to prove the negligence on the part of the driver of the bus.

7. Even, according to the enquiry officer, the occurrence took place due to negligence on the part of the bus as well as the passenger. However, the disciplinary authority concludes that the negligence is on the

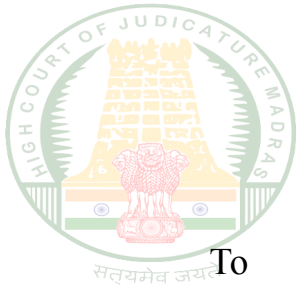


part of the driver of the bus and ordered punishment. Therefore, the punishment awarded by the disciplinary authority is not acceptable. As such, the charge against the driver of the bus has not been proved with sufficient evidence. In this context, the Labour Court, after an elaborate discussion in the order, came to the conclusion that the charge against the bus driver has not been proved and there is no evidence to prove the negligence on the part of the driver of the bus. Based on the above said findings, the Labour Court allowed the petition and set aside the punishment awarded by the disciplinary authority. Therefore, there is no illegality or perversity in the order passed by the Labour Court and it does not warrant any interference.

8. In view of the above said discussions, this Court is of the opinion that this writ petition has no merits and deserves to be dismissed. According, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

26.06.2025

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P.DHANABAL, J.,

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