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W.P. No.24755 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

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THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.24755 of 2022
and W.M.P. No.23687 of 2022

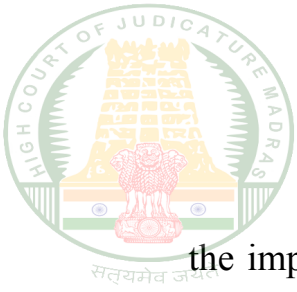
1. The Management of
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Thiruvannamalai Region,
Byepass Road, Venkikal,
Tiruvannamalai.

2. The Management of Tamil Nadu
State Transport Corporation (Villupuram) Ltd.,
Kanchipuram Region,
Ponnerikarai,
Chennai-Bangalore,
National Highway, Kancheepuram. .. Petitioner

vs.

The General Secretary,
Government Transport Corporation,
Uzhia Sangam,
Regd. No.2182 M.T.S. (CITU),
Chennai - Bangalore,
Chetiarpet, Kancheepuram - 631 552. .. Respondent

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records relating to



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the impugned Award made in I.D. No.525 of 2018 dated 22.12.2021 passed by the Labour Court, Kancheepuram and quash the same.

For Petitioner : Mr. T. Chandrasekaran

For Respondents : Mr. V. Ajoy Khose.

ORDER

This Writ petition has been filed to quash the order passed by the Labour Court, Kancheepuram in I.D. No.525 of 2018 dated 22.12.2021.

2. The short facts necessary to dispose the Writ petition are as follows:

The member of the respondent Corporation namely Devaraj was working as a 'Driver' under the 1st petitioner Management. While so, on 08.10.2011, when he was driving the vehicle bearing Registration No.TN32 N 2932, caused an accident and one pedestrian died due to the accident. Therefore, the petitioner Corporation issued a Charge Memo to the respondent and thereafter domestic enquiry was conducted. The enquiry officer rendered findings that the charges against the respondent are proved and the Disciplinary Authority after accepting the Enquiry report issued a 2nd Show Cause Notice and thereafter imposed punishment of postponement of increment for a period of 3 years with cumulative effect. Thereafter, the



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respondent Union raised an industrial dispute before the Labour Court, Kancheepuram in I.D. No.525 of 2018 and the same was allowed and the punishment awarded by the Management was set aside and the Management was directed to pay monetary benefits and other benefits to the delinquent workman. Aggrieved over the above said order, the present Writ petition has been filed by the Management.

3. The learned counsel appearing for the petitioner Management would submit that the member of the respondent Union namely Devaraj was working as a 'Driver' under the petitioner management and while he was driving the vehicle bearing Registration No.TN32 N 2932, on 08.10.2011, in a rash and negligent manner, he caused fatal accident to a pedestrian at Athangarai near Palar Bridge. Therefore, a Charge Memo was issued as against him and after affording opportunity to the delinquent Devaraj, a Domestic Enquiry was conducted and the Enquiry Officer rendered findings that the charges against the delinquent were proved. After accepting the Enquiry report, the Disciplinary Authority passed an order by imposing punishment of postponment of increment for 3 years with cumulative effect. Against the said punishment, the respondent Union raised an Industrial Dispute before the



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Labour Court, Kancheepuram. But the Labour Court, without considering the evidence, erroneously allowed the petition. In the Disciplinary proceedings, on the side of department, witnesses were examined and documents were marked. Based on the oral and documentary evidences, the Enquiry Authority rendered findings that the charges against the delinquent were proved. The domestic enquiry was conducted by following the principles of natural justice. But the Labour Court erroneously allowed the industrial dispute raised by the delinquent and set aside the punishment awarded by the Disciplinary Authority. Therefore, the order passed by the Labour Court is liable to be quashed.

4. The learned counsel appearing for the respondent Union would submit that when the Member of the respondent Union namely Devaraj was driving a bus bearing Registration No.TN32 N 2932, on 08.10.2011 at about 6.30 p.m. near Palar Bridge at Aathangarai in a normal speed, a pedestrian without minding the bus, suddenly crossed the road and dashed against the bus, even after the driver applied break. Therefore, there is no negligence on the part of the driver of the bus and the negligence is on the part of the pedestrian. During the domestic enquiry, neither any eye witness, who witnessed the accident nor the Conductor of the bus was examined as witness,



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but one Engineer, who has no knowledge about the accident was examined as witness and before the Motor Accident Tribunal, the petitioner had taken a plea that the accident was occurred due to the negligence on the part of the pedestrian. Therefore, there is no any prima facie case based on the acceptable evidence. But the Enquiry Officer erroneously rendered findings that the charges against the delinquent were proved. The Labour Court, after elaborate discussions, correctly allowed the petition that there is no evidence to prove the negligence on the part of the driver of the bus. Therefore, the Labour Court set aside the order passed by the Disciplinary Authority. Before the Labour Court, on the side of the delinquent, WW1 was examined and 24 documents were marked. On the side of the Management, one witness was examined and two documents were marked. After consiering the oral and documentary evidences adduced on both sides, the Labour Court has allowed the petition and set aside the punishment awarded to the driver of the bus. Therefore, the Labour Court passed a reasoned order and there is no perversity or illegality found in the said order and therefore, the present Writ petition is liable to be dismissed.

5. Heard both sides and perused the entire materials available on record.



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6. In this case, there is no dispute that the domestic enquiry was conducted and the delinquent workman was also participated in the enquiry proceedings. According to the petitioner Management, the driver of the bus drove the bus in a rash and negligent manner, thereby, he caused accident on 08.10.2011. For that, a Charge Memo was issued on him and a domestic enquiry was conducted and the Management witnesses stated about the negligence on the part of the bus driver. Per contra, according to the respondent Union, no eye witness was examined during the domestic enquiry proceedings and without any prima facie evidence, the Enquiry Officer has rendered findings that the charges against the delinquent workman were proved.

7. Before the Labour Court, on the side of workman, WW1 was examined and 24 documents were marked. On the side of Management, one witness was examined and two documents were marked. The Labour Court, after considering the evidences adduced on both sides, after elaborate discussion and by citing judgments of Hon'ble Supreme Court and this Court, allowed the industrial dispute and set aside the punishment awarded by the



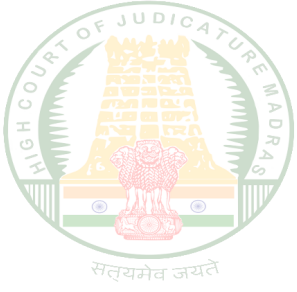
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Management.

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8. This Court perused the records. On a perusal of records, it is seen that no prima facie case has been proved based on the acceptable evidence and the Management failed to examine any eye witness and the witness, examined in the domestic enquiry, is no way connected with the accident and the petitioner Management have not even examined either the Conductor of the bus or anyone of the passengers travelled in the bus and also the past records of the delinquent were also not considered. Moreover, no charge memo was issued to the delinquent. Without serving the copy of the charge memo and without obtaining explanation from him, straight away, the enquiry proceedings were ordered by the Management and after completion of the enquiry proceedings, no copy of the enquiry report was also served to the delinquent and no further representation was called for from him. Therefore, for the above said reasons, the Labour Court has correctly allowed the industrial dispute and set aside the punishment awarded by the Management. There is no perversity or illegality found in the order passed by the Labour Court.

9. In view of the above discussions, this Court is of the opinion that this Writ petition has no merits and deserves to be dismissed.



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10. Accordingly, this Writ petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order/non-speaking order
mjs

To

The General Secretary,
Government Transport Corporation,
Uzhia Sangam,
Regd. No.2182 M.T.S. (CITU),
Chennai - Bangalore,
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P. DHANABAL, J.,

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