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W.P. No.19508 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.19508 of 2022
and W.M.P. No.18800 of 2022

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

.. Petitioner

vs.

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

.. Respondent

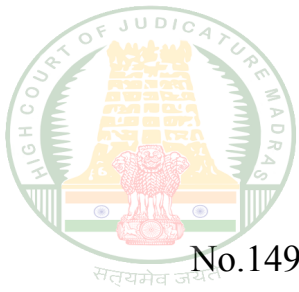
PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records pertaining to the order passed in O.P. No.149 of 2019 dated 30.03.2022 on the file of the III Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr. T. Kavya for
Mr. C. Gauthamaraj

For Respondent : Mr. S.T. Varadarajulu

ORDER

This Writ petition has been filed to quash the order passed in O.P.

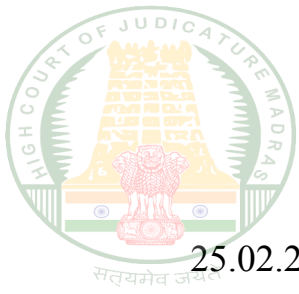


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No.149 of 2019 dated 30.03.2022 by the III Additional Labour Court,
Chennai.

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

One Selvam, who was working as 'Driver' in the petitioner's Corporation, while plying from Periyar Nagar to Quide Millath College, on 07.11.2002 at about 17.15 hours, while crossing Boothaperumal Koil near Doms Salai, he caused an accident to a lady pedestrian and she died. Thereafter, the said Driver was suspended and he was issued a Charge Memo dated 15.11.2002. The driver had also submitted his explanation and thereafter, he was permitted to join duty and the suspension order was also revoked on 23.12.2002. Thereafter, a domestic enquiry was conducted and the Enquiry Officer rendered findings that the charges against the workman were proved and thereafter the Disciplinary Authority called for a further representation from the driver, after furnishing the copy of the enquiry report to him. Thereafter, the Disciplinary Authority awarded a punishment of postponement of annual increment for a period of 3 years with cumulative effect and the suspension period was treated as duty period. Against which, the workman driver preferred an appeal before the Appellate Authority on



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25.02.2004 and the Appellate Authority modified the punishment as postponement of annual increment for a period of 2 years with cumulative effect. Thereafter, the respondent Union raised an industrial dispute before the Labour Court, Chennai and the same was allowed by modifying the punishment of 'postponement of annual increment for 2 years with cumulative effect' into 'postponement of annual increment for one year without cumulative effect'. Aggrieved over the said order, the present Writ petition has been filed by the Management.

3. The learned counsel appearing for the petitioner would submit that the Member of the respondent Union drove the bus on 07.11.2002 and caused a fatal accident, due to his rash and negligent driving. Therefore, a Charge Memo was issued on him for his misconduct and a domestic enquiry was conducted and as per the Enquiry report, charges against the driver were proved. Thereafter, a further explanation was called for from the driver after furnishing a copy of the enquiry report and thereafter, the Disciplinary Authority imposed a punishment of postponement of increment for 3 years with cumulative effect. Against which, the workman/delinquent preferred an appeal before the Appellate Authority and the punishment was modified to the effect of 'postponment of increment for 2 years with cumulative effect'. Being



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not satisfied with the above said order, the delinquent workman raised an industrial dispute before the Labour Court, Chennai in O.P. No.149 of 2019 on the file of the III Additional Labour Court, Chennai. Before the Labour Court, no oral evidences were adduced on either side. On the side of the Union, 12 documents were marked and on the side of the Management, 2 documents were marked. The Labour Court without considering the documents marked on the side of the Management and without considering the gravity of the charges, modified the punishment awarded by the Appellate Authority and awarded punishment of postponement of increment for one year without cumulative effect. The charges are grave in nature and the member of the respondent Union, drove the bus in a rash and negligent manner and caused a fatal accident. Therefore, considering the gravity of the charges, the Authority imposed proper punishment, but the same was modified by the Labour Court. Therefore, the order passed by the Labour Court is liable to be set aside.

4. The learned counsel appearing for the respondent Union would submit that the petitioner Management failed to prove the negligence on the part of the driver of the bus. However, the Labour Court rendered findings that the deceased also contributed the negligence. The Labour Court passed a



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reasoned order based on the documents filed on both the sides. There is no eye witness examined by the Management. However, the Labour Court fastened the liability on both the sides i.e., the driver as well as the deceased and modified the punishment as 'postponement of annual increment for one year without cumulative effect'. Therefore, there is no illegality or perverse found in the order passed by the Labour Court and hence, the present Writ petition is liable to be dismissed.

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

6. It is an admitted fact that when the driver of the bus plied the vehicle on 07.11.2002, an accident was occurred, thereby, a Charge Memo was issued on the driver of the bus and a domestic enquiry was conducted. As per the domestic enquiry report, charges against the driver were proved. Therefore, the Disciplinary Authority imposed punishment of 'postponement of annual increment for 3 years with cumulative effect'. The driver of the bus, challenged the said order through an appeal and the same was also partly allowed and the punishment was modified to the effect of 'postponement of annual increment for 2 years with cumulative effect'. Aggrieved over the said



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order, the respondent Union has raised an industrial dispute before the Labour Court in O.P. No.149 of 2019. The Labour Court, after the elaborate discussions, came to a conclusion that the negligence is not solely on the part of the driver of the bus and the deceased also contributed negligence and thereby, modified the punishment to the effect that 'postponement of annual increment for one year without cumulative effect'. .

7. Before the Disciplinary Authority, no eye witness was examined. The Management failed to examine either the Conductor of the bus or any passenger who travelled in the bus as one of the passengers as witness at the relevant time, to prove the negligence on the part of the driver. However, based on the available records, the Labour Court has rendered findings that the deceased also contributed negligence and thereby, fastened the liability on the part of the driver of the bus as well as the deceased. The above said findings of the Labour Court were accepted by the respondent Union and no any challenge made as against the order passed by the Labour Court in respect of the contribution of negligence. Therefore, the Labour Court has passed a reasoned order and it does not warrant interference.

9. In view of the above discussions, this Court is of the opinion that this



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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.

24.06.2025

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

To

1. The Presiding Officer,
III Additional Labour Court,
Chennai.

P. DHANABAL, J.,

mjs

2. The General Secretary,
Arasanga Pokkuvarathu Oozhiyar Sangam,
No.73/FDS, Inaippu CITU,
No.2, Pallavan Salai, Kalaiaranga Valagam,
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