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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.20637 of 2022
and WMP.No.19760 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/MS, Inaippu CITU,
No.2, Pallavan Salai, Kalaiaranga Valagam,
Chennai – 600 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certorari, calling for the records pertaining to the order passed in O.P.No.94 of 2020 dated 07.04.2022 on the file of III Additional Labour Court, Chennai and quash the same..

For Petitioners : Mr.M.Chidambaram

For Respondents : Mr.S.T.Varadarajulu

**ORDER**

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This writ petition has been filed to quash the order passed in O.P.No.94 of 2020 dated 07.04.2022 on the file of III Additional Labour Court, Chennai, wherein the respondent herein has raised an Industrial Dispute challenging the punishment awarded by the Disciplinary Authority as against one driver of the petitioner corporation namely Chandrasekar and the same was allowed by modifying the punishment to the effect that postponement of one year increment without cumulative effect. Aggrieved by the said order, the present writ petition has been filed by the management.

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

The member of the respondent union namely Chandrasekar was appointed as Reserve Crew Driver on 19.12.2012. Prior to completion of 240 days within 93 days the said driver caused an accident on 23.03.2013. Therefore, charges were framed against the driver under Section 25(xxvii) and 25(XLiii) of the certified Standing Order. The said Chandrasekar had also submitted his explanation and the same was not satisfied, therefore,



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domestic enquiry was conducted and as per the domestic enquiry, the charges against the driver were proved and thereafter second show cause notice was issued and the management imposed a punishment of postponement of increment for three years with cumulative effect. Thereafter, the respondent union raised an industrial dispute before the III Additional Labour Court, Chennai and the Labour Court modified the punishment to the effect that postponement of increment for one year without cumulative effect. Challenging the said order, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the driver of the petitioner namely Chandrasekar, while he was on duty on 23.03.2013, due to his rash and negligent driving of the bus caused a fatal accident and thereby a charge memo was issued to him and thereafter domestic enquiry was conducted by following the principles of natural justice and as per the enquiry report, the charges against the driver were proved and thereafter the management issued second show cause notice, for which no reply was submitted by him. The management awarded punishment of postponement of increments for three years with cumulative



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effect. Challenging the said order, the respondent union raised an industrial dispute in O.P.No.94 of 2020. Before the Labour Court, no oral evidence was adduced on both sides. On the side of the workman, Ex.W1 to Ex.W5 were marked and on the side of the management Ex.M.1 was marked. However, the Labour Court came to the conclusion that the accident occurred due to the negligence on the part of the driver as well as motorcyclist and thereby modified the punishment to the effect that postponement of one year increment without cumulative effect. The Labour Court rendered findings erroneously, allowed the petition and the same is liable to be quashed.

4. The learned counsel appearing for the respondent would submit that member of the respondent union namely Chandrasekar was working as a driver under the petitioner management. While so, on 23.03.2013 when he was driving the bus, the motorcyclist due to his negligence dashed against the bus and thereby he invited the accident. However, the management issued a charge memo to the driver of the bus, though he drove the bus in a slow speed. Thereafter, he also offered explanation but in spite of that, without accepting the explanation, they conducted domestic enquiry.



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Before the domestic enquiry, no eye witness was examined. However, the enquiry officer rendered findings that the charges were proved. Thereafter, the enquiry report was accepted by the disciplinary authority and issued show cause notice and thereafter awarded punishment of postponement of increment for three years without cumulative effect. The respondent raised an industrial dispute before the Labour Court and before the Labour Court five exhibits were marked and on the management side, only one exhibit was marked and no evidence was adduced and therefore there was no prima facie evidence to prove that the accident had occurred due to the negligence on the part of the driver of the bus. However, the Labour Court came to the conclusion that domestic enquiry was conducted in a proper manner and the motorcyclist also contributed the negligence. Therefore, the Labour Court correctly modified the punishment to the effect the postponement of increment for one year without cumulative effect. Therefore, the order passed by the Labour Court 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.



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6. In this case, there is no dispute with regard to the relationship between the parties as employer and the workmen. There is no dispute that the accident was occurred on 23.03.2013. According to the Management, the accident had took place on the part of the negligence of the bus driver. According to the respondent, the accident took place on the part of the negligence of the motorcyclist. In order to prove the said negligence on the part of the Management they examined witness before the enquiry officer and the enquiry officer rendered findings and found that the charges were proved as against the petitioner. Based on the charges, the Management issued a second show cause notice for imposing of punishment of postponement of three years increment with cumulative effect.

7. The respondent Union raised an Industrial Dispute where the Labour Court rendered findings that the negligence was not only on the part of the driver of the bus, but also the negligence was contributed by the cyclist. Therefore, the Labour Court modified the punishment from postponement of three years of increment with cumulative effect to one year increment without cumulative effect. The respondent has not challenged the



order passed by the Labour Court, in respect of findings that both the driver of the bus as well as the motorcyclist were negligent. The Labour Court passed a reasoned order and the same is justifiable. Therefore, there is no perversity or illegality found in the order passed by the Labour Court. The Labour Court based on the records held that the cyclist also contributed the negligence and thereby modified the punishment. Therefore, this Court is of the opinion that there is no merits in the writ petition and deserves to be dismissed.

8. In the result, this Writ Petition is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

11.07.2025

To

1. The III Additional Labour Court,
Chennai.



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P.DHANABAL, J.,

drl

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