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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.No.33630 of 2022
and
W.M.P.No.33084 of 2022

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

...Petitioner

...Versus...

The General Secretary,
State Transport Employees Union,
No.2, Pallavan Salai,
Kalaingaranga Valagam,
Chennai - 600 002.

...Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of CERTIORARI, to call for the records
pertaining to the award passed in I.D.No.75 of 2018 dated 27.05.2019 on
the file of the 3rd Additional Labour Court, Chennai and quash the same.

For Petitioner :: Mr.R.Balaji

For Respondent :: Mr.S.T.Varadarajulu

**ORDER**

This writ petition is filed to quash the award passed by the learned

3rd Additional Labour Court, Chennai, in I.D.No.75 of 2018, dated 27.05.2019.

2. The brief facts leading to the filing of the above Writ Petition are as follows:

(i) One Pandi, was employed as a driver with the petitioner-Management. On 05.08.2013, the said Driver, C.Pandi, was operating a bus with Route No.28/P, plying between Thiruvottiyur and Egmore. During the journey, he stopped at the Thirupalli bus stop on Walltax Road to allow passengers to board. While a passenger was attempting to step onto the front stairs of the bus, both the driver and the conductor, without noticing that the passenger had not fully entered the bus and was not yet seated safely, started the bus. As a result, the passenger, who was midway through boarding, lost his balance, fell from the bus, and sustained severe injuries. Due to the carelessness of the driver and the conductor, the passenger suffered serious injuries to his legs, other co-passengers experienced distress, and the incident created a bad image for the Corporation and resulted in a loss of income.



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(ii) Consequently, the petitioner-Management issued a charge memo dated 31.12.2014. On 12.07.2016, the driver submitted his explanation, denying the charges. Thereafter, the disciplinary authority issued a show cause notice proposing a punishment. Not being satisfied with the explanation, the disciplinary authority passed an order imposing the punishment of stoppage of increment for one year.

(iii) The said punishment was challenged by the Union before the Labour Court, Chennai, in I.D.No.75 of 2018. After hearing both sides, the Labour Court allowed the dispute and set aside the punishment awarded by the petitioner-Management. Aggrieved by the said order, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits as follows:

(i) A member of the respondent-Union, namely R.Pandi, who was working as a driver, caused an accident on 05.08.2013 while on duty due to his rash and negligent driving. Consequently, a charge memo was issued on 31.12.2014. He submitted his explanation on 12.07.2016. Thereafter, the disciplinary authority issued a show cause notice regarding the proposed punishment by letter dated 23.08.2016. At the time of the incident, he was driving a bus in Route No.28/P plying between Thiruvottiyur to Egmore.



Not being satisfied with his explanation, the disciplinary authority imposed the punishment of stoppage of increment for one year with cumulative effect. However, the respondent-Union challenged the said punishment by raising a dispute before the Labour Court. The Labour Court allowed the petition and set aside the punishment imposed on the driver.

(ii) The accident occurred due to the fault of the driver and it amounts to misconduct. However, the Labour Court set aside the punishment on the ground that no domestic enquiry was conducted. According to the standing orders, for awarding minor punishment no enquiry is required, and this aspect was not properly considered by the Labour Court. Hence, the order of the Labour Court is liable to be set aside.

4. The learned counsel appearing for the respondent submits as follows:

The member of the respondent-Union, namely Pandi, was working as a Driver under the petitioner-Management. On 05.08.2013, while he was driving the bus, an accident occurred. There was no negligence on the part of the bus driver. However, a charge was issued against the driver, and he submitted his explanation. Without accepting the explanation, the Management imposed a punishment of stoppage of increment for one year



with cumulative effect, without conducting a domestic enquiry and without giving the respondent-driver an opportunity to be heard. The Labour Court, after considering the evidence adduced by both sides, rightly set aside the punishment on the ground that no enquiry was conducted and no opportunity was given to the driver. Therefore, the writ petition is liable to be dismissed.

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

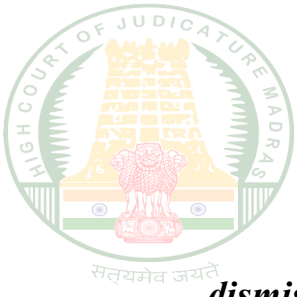
6. It is an admitted fact that the accident occurred on 05.08.2013. According to the Management, the accident happened due to the rash and negligent driving of the driver of the bus. However, according to the bus driver, the accident occurred due to the negligence of the cyclist. In order to prove negligence on the part of the petitioner, there is no material evidence available on record, and no domestic enquiry was conducted by the Management.

7. At this juncture, it is relevant to refer the Judgment of Hon'ble Supreme Court in C.A.No.12774 of 1996, O.K.Bhardwaj V. Union of India and others, wherein the Hon'ble Supreme Court held that even for minor



punishments, such as withholding an increment with or without cumulative effect, a domestic enquiry must be conducted; otherwise, it amounts to a violation of the principles of natural justice.

8. In the case on hand also without giving an opportunity to the driver and without any domestic enquiry, the punishment was imposed by the Management. Therefore, it is against the principles of natural justice. Even before the Labour Court, the Management did not adduce any evidence in respect of any aspect of the case. Without any materials, the Management punished the driver. Consequently, the Labour Court, after careful consideration of the documents produced by the workman, came to the conclusion that no enquiry was conducted and no opportunity was given to the workman and set aside the punishment imposed on the bus driver and directed the Management to remit the withheld amount, since the petitioner-Management has already implemented the order of punishment as against the respondent-driver. Hence, there is no perversity or illegality in the order passed by the Labour Court, and the same does not warrant interference. Accordingly, this petition is devoid of merit and is liable to be dismissed.



9. In the light of the above observations, *this Writ Petition is*

dismissed. There shall be no order as to costs. Consequently, the connected

W.M.P is closed. .

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

To:

The General Secretary,
State Transport Employees Union,
No.2, Pallavan Salai,
Kalaingaranga Valagam,
Chennai - 600 002.



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P.DHANABAL,J.,

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