



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.No.33628 of 2023
and
W.M.P.No.33082 of 2022

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

...Petitioner

...Versus...

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

...Respondent

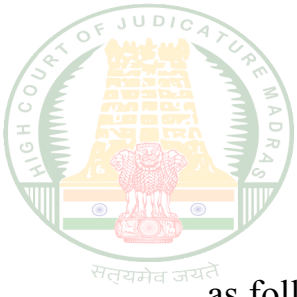
PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of CERTIORARI, to call for the records pertaining to the award passed in I.D.No.55 of 2017 dated 05.08.2019 on the file of the Principal Labour Court, Chennai and quash the same.

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 Principal Labour Court, Chennai, in I.D.No.55 of 2017, dated 05.08.2019.



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

(i) One Kalaikumar, was employed as a driver with the petitioner-Management. On 29.08.2005, while working in Anna Nagar, he was involved in an accident. Consequently, the petitioner-Management issued charge memo dated 30.09.2005 and on 21.10.2005, 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.

(ii) The said punishment was challenged by the Union before the Labour Court, Chennai, in I.D.No.55 of 2017. 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 Kalaikumar, who was working as a driver, caused an accident on 29.08.2005 while on duty due to his rash and negligent driving. Consequently, a charge memo was



issued on 30.09.2005. He submitted his explanation on 21.10.2005.

Thereafter, the disciplinary authority issued a show cause notice regarding the proposed punishment by letter dated 12.01.2006. At the time of the incident, he was driving a bus bearing Registration No.AN1696 on Route No.7F from Anna Nagar West towards Parrys. 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 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, domestic enquiry is not required for minor punishment, 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 Kalaikumar, was working as a Driver under the petitioner-Management. On 29.08.2005,

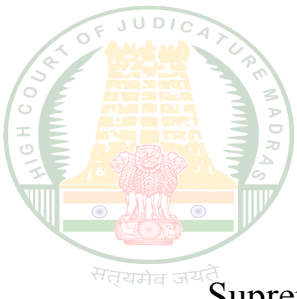


while he was driving the bus, an accident occurred due to the negligence of a cyclist. There was no negligence on the part of the bus driver. However, a charge was issued against the driver, and he submitted his explanation. Without accepting the explanation, the Management imposed a punishment of stoppage 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 29.08.2005.

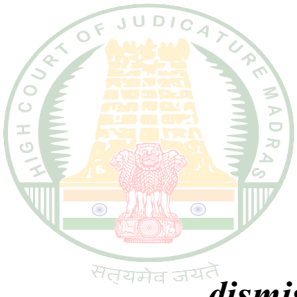
According to the Management, the accident happened due to the rash and negligent driving of the driver of the bus . However, according to the bus driver, the accident occurred due to the negligence of the cyclist. In order to prove negligence on the part of the petitioner, there is no material evidence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



WEB COPY

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.

10.07.2025

nvi

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.



WEB COPY

7



P.DHANABAL,J.,

nvi

W.P.No.33628 of 2023 and
W.M.P.No.33082 of 2022

10.07.2025