



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.25051 of 2023
and WMP.No. 24475 of 2023

The Management of
Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
No.37, Mettupalayam Road,
Coimbatore – 641 043.

... Petitioner

Vs

General Secretary,
Tamil Nadu State Transport
Seerudai Paniyalar Thozhir Sangam
(Regn.No.1444)
No.610/200, Periya Naicken Palayam
SRKV Post,
Coimbatore – 641 020.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the Award made in I.D. No.63 of 2020 dated 06.02.2023 on the file of the Principal Labour Court, Coimbatore and quash the same.

For Petitioner : Mr.T.Chandrasekaran
For Respondents : M/s.H.Nandhini



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ORDER

This writ petition has been filed by the petitioner to quash the award passed in I.D.No.63 of 2020 dated 06.02.2023 on the file of the Principal Labour Court, Coimbatore.

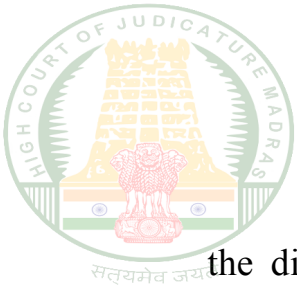
2. The short facts necessary to dispose of this Writ petition are as follows:-

The employee of the petitioner/management, namely Velayutham, was a member of the respondent union attached to Palladam Depot. On 24.02.2017, while he was plying the bus bearing Registration No.TN 38 N 1478, he dashed against the two wheeler bearing Registration No.TN 38 Y 3364, and the rider of the two wheeler died on the spot. Therefore, a charge memo dated 23.03.2017 was issued, and the driver also submitted his explanation. Since the explanation was not satisfactory, a domestic enquiry was conducted, and the enquiry officer rendered findings that the charges against the delinquent were proved. After receiving of the enquiry report, the disciplinary authority issued a show cause notice to the delinquent on 11.06.2018. Thereafter, the petitioner/management awarded the punishment of postponement of increment for three years with cumulative



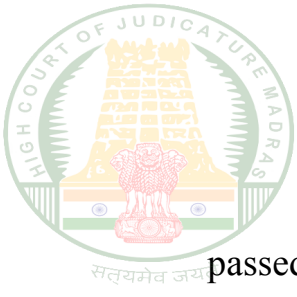
effect, and the period of suspension from 26.02.2017 to 11.04.2017 was treated as leave. Subsequently, the respondent union raised an industrial dispute in I.D.No.63 of 2020 before the Labour Court, Coimbatore and the same was allowed, and the punishment awarded to the driver was set aside. Aggrieved by the said order, the present writ petition has been filed by the Petitioner / Management.

3. The learned counsel appearing for the petitioner would submit that the driver of the bus namely Velayutham, attached to the respondent union, had driven the vehicle bearing Registration.No.TN 38 N 1478 in a rash and negligent manner, thereby caused the fatal accident. Consequently, the charge memo was issued to him, and thereafter the domestic enquiry was conducted. As per the domestic enquiry, charges against the delinquent were proved. Therefore, the disciplinary authority after giving an opportunity and furnishing copies of the enquiry report, imposed the punishment of postponement of increment for three years with cumulative effect. The disciplinary authority has passed the order based on the gravity of the proved charges. However, the union raised an industrial dispute before the Labour Court, Coimbatore and the Labour Court, without considering the evidence, erroneously set aside the punishment awarded by



the disciplinary authority. Therefore, the order passed by the Labour Court is perverse, and it is liable to be set aside.

4. The learned counsel appearing for the respondent would submit that the member of the respondent union, namely P.Velayutham, while he was working as a driver in the petitioner/management corporation on 24.02.2017, the rider of the two wheeler dashed against the bus, resulting in his death. The accident occurred due to the negligence on the part of the rider of the two wheeler. While so, the petitioner/management issued a charge memo to the bus driver and the enquiry was conducted without following the proper procedures. The enquiry officer submitted his report, and based on the report, a further explanation was called for, and the driver also submitted his explanation. Without accepting the same, the disciplinary authority imposed a punishment of postponement of increment for three years, and the suspension period of 45 days was treated as leave. Therefore, the union raised an industrial dispute in I.D. No.63 of 2020 before the Labour Court, Coimbatore and the Labour Court, after elaborate discussion, based on the evidences adduced by both the parties, correctly allowed the petition and set aside the punishment awarded by the disciplinary authority. There is no illegality or perversity in the order



passed by the Labour Court, Coimbatore. Therefore, the present writ petition is liable to be dismissed.

5. This Court heard both sides and perused the materials available on record.

6. In this case, the petitioner / management issued a charge memo to the delinquent P.Velayutham, who is a member of the respondent union, for the accident that occurred on 24.02.2017. The driver also submitted his explanation, which was not accepted, and thereafter, a domestic enquiry was conducted, in which the driver actively participated. Before the enquiry authority, on behalf of the department to prove the charges against the delinquent, witness was examined and documents were marked. The witness examined by the department is not an eye witness to the accident, and the department failed to examine any of the witness, who witnessed the accident, neither the conductor of the bus nor the passengers of the bus were examined by the department to prove the negligence on the part of the delinquent. The department, before the Motor Accident Claims Tribunal, has stated that there was no negligence on the part of the driver of the bus. However, in the enquiry proceedings, the department stated that due to



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negligence on the part of the driver of the bus, the accident occurred. No competent witness to speak about negligence was examined before the enquiry authority. Further, the witness examined on behalf of the department in the disciplinary proceedings is not an eye witness to speak about the negligence. The department's witness categorically admitted that when he reached the spot, no vehicles were present, and no witnesses were examined who were present at the scene of occurrence. Therefore, without any acceptable evidence, the enquiry authority erroneously came to the conclusion that the charges against the driver were proved.

7. The learned counsel appearing for the petitioner has relied on the judgment of Hon'ble Supreme Court in ***Maharashtra State Road Transport Corporation vs. Mahadeo Krishna Naik reported in (2025) 4 Supreme Court Cases 321***, held in para 32 as follows:-

"32. Even if we keep the award of MACT aside, it is clear from the pleadings of the Corporation before MACT and the Labour Court that the Corporation has attempted to get the best of both worlds. The contradictory nature of the stances taken by the Corporation before the Labour Court and MACT reeks of the Corporation trying to approbate and reprobate on the same issue. It is bound to cause immense prejudice to Mahadeo if the Corporation is allowed to reverse its stance to suit its own interests".



WEB COPY 8. On a careful perusal of the said judgment, it is clear that the management cannot take inconsistency stand about the negligence on the part of the driver of the bus. In the case on hand also, the management in the MCOP proceedings had taken a stand that no negligence on the part of the bus driver, whereas in the departmental enquiry proceedings had taken a contra stand that there was a negligence on the part of a bus driver, therefore the management cannot take a different stand for the same incident. In view of the above it is clear that no sufficient evidence adduced by the management to prove the negligence on the part of bus driver.

9. In this context, the Labour Court also elaborately discussed the evidence adduced by the department and came to a fair conclusion that the charges against the delinquent were not proved with sufficient material. Therefore, there is no illegality or perversity in the order passed by the Labour Court in setting aside the punishment awarded by the disciplinary authority. Moreover, the disciplinary authority imposed the punishment of postponement of increment for three years with cumulative effect and also treated the suspension period as leave. Such punishment cannot be



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awarded by the disciplinary authority, as treating the suspension period as leave is not provided as one of the punishment in the standing orders.

Therefore, without any prima facie evidence and without proving the charges, punishment cannot be awarded, and thereby the Labour Court, Coimbatore passed a reasoned order, which does not warrant any interference.

10. In view of the above said discussions, this Court is of the opinion that this petition has no merits and deserves to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

24.06.2025

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To

General Secretary,
Tamil Nadu State Transport
Seerudai Paniyalar Thozhir Sangam
(Regn.No.1444)
No.610/200, Periya Naicken Palayam
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P.DHANABAL, J.,

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