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W.P No.26616 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No.26616 of 2022

and

WMP.No.25665 of 2022

The Management
Tamil Nadu Transport Corporation Ltd.,
No. 37, Mettupalayam Road,
Coimbatore-641043.

..Petitioner

Vs

The General Secretary,
Tamil Nadu Arasu Pokkuvarathu Seerudai
Paniyalar Sangam,
Reg. No. 1440,
No.610/200, Periyanaickanpalayam
SRKV Post, Coimbatore-641020.

..Respondent

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records in I.D.No, 26 of 2018 on the file of the Additional Labour Court, Coimbatore dated 13.10.2020 and quash the same.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents : Ms. H. Nandhini

For Mr. V.Ajay Khose.



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ORDER

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1. The petitioner-Management challenges the award dated 13.10.2020 passed by the Principal Labour Court, Coimbatore, in I.D. No. 26 of 2018. By the said award, the Labour Court set aside the order passed by the petitioner-Management imposing the punishment of postponement of regularisation of the respondent-workman, a reserved driver, for a period of six months.

2. The petitioner-Corporation conducted a domestic enquiry alleging that the respondent-workman, while driving a bus belonging to the Corporation, caused damage to the vehicle due to his negligence, thereby resulting in monetary loss to the petitioner-Corporation, which culminated in imposing the punishment of postponement of regularisation of the respondent-workman, a reserved driver, for a period of six months.

3. The Labour Court held that the domestic enquiry conducted was not fair and proper, and therefore, permitted the workman to adduce both oral and documentary evidence. The respondent-workman did not examine any witness but marked one document as Ex.MW1. The petitioner-Management examined one witness and marked nine documents as Exs.M1 to M9. After considering the oral and documentary evidence, the Labour Court passed the impugned



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award setting aside the punishment of postponement of regularisation for six months. Aggrieved by the same, the present writ petition has been filed.

4. The learned counsel for the petitioner-Corporation submitted that the respondent-workman failed to adduce any evidence to prove that the accident did not occur due to his negligence. In the absence of any such material, it was contended that the Labour Court erred in setting aside the order of punishment, and hence, the impugned award is legally unsustainable.

5. In response, the learned counsel for the respondent-workman submitted that the petitioner-Corporation, having alleged negligence against the respondent, bore the burden of proving the same. It was further contended that the punishment of postponement of regularisation is not one of the penalties enumerated under the Certified Standing Orders of the Corporation and, therefore, the imposition of such a punishment was without authority of law.

6. The learned counsel also submitted that before the Motor Accidents Claims Tribunal (MACT), the petitioner-Corporation had taken a categorical stand that the accident was not caused due to the negligence of the reserved driver. Hence, it was argued that the petitioner could not now take a



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contradictory stand to suit its convenience.

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7. In support of these submissions, reliance was placed upon the following judgments of the Hon'ble Supreme Court:

i. Vijay Singh v. State of Uttar Pradesh and Others [(2012) 5 SCC 242]

ii. Maharashtra State Road Transport Corporation v. Mahadeo Krishna Naik [(2025) 4 SCC 321].

8. Heard the learned counsel on both sides and perused the materials available on record.

9. The Hon'ble Supreme Court in *Vijay Singh (supra)* held as follows:

“The order passed by the disciplinary authority withholding the integrity certificate as a punishment for delinquency is without jurisdiction, not being provided under the Rules. Since the same could not be termed as a punishment under the Rules, it is a settled proposition of law that punishment not prescribed under the Rules as a result of disciplinary proceedings cannot be awarded.”

10. In the present case, the punishment imposed on the respondent-workman postponing regularisation for a period of six months is admittedly not one of the punishments prescribed under the Standing Orders or Rules of the petitioner-Corporation. Hence, the imposition of such a penalty lacks



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statutory authority and is unsustainable in law.

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11. It is also relevant to note that before the Motor Accidents Claims Tribunal, the petitioner-Corporation had taken a specific stand that the accident in question was not due to the negligence of the reserved driver. However, in the disciplinary proceedings, the petitioner-Corporation alleged that the accident occurred solely due to the driver's negligence, thereby causing damage to the bus and monetary loss to the Corporation.

12. The Hon'ble Supreme Court, in Maharashtra State Road Transport Corporation (supra), observed as follows:

“Even if we keep the award of the MACT aside, it is clear from the pleadings of the Corporation before the MACT and the Labour Court that the Corporation has attempted to get the best of both worlds. The contradictory stances taken by the Corporation before the two forums amount to approbation and reprobation on the same issue, causing immense prejudice to the employee if such inconsistency is permitted.”

13. Therefore, the petitioner-Corporation, having taken a categorical stand before the MACT that the accident was not due to negligence on the part of the driver, cannot now approbate and reprobate by alleging negligence in disciplinary proceedings. The contention of the petitioner-Management that the respondent-workman failed to prove his innocence is untenable, as the burden



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to establish negligence rested squarely on the petitioner-Corporation.

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14. In light of the foregoing discussion and the principles laid down by the Hon'ble Supreme Court in the aforementioned judgments, this Court finds no illegality or infirmity in the award passed by the Labour Court warranting interference.

15. Accordingly, the writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

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Index : Yes/No

Internet : Yes/No

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HEMANT CHANDANGOUDAR, J.

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