



W.P.No.27744 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.27744 of 2019
and WMP.No.27277 of 2019

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

... Petitioner

Vs

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

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order passed in I.D.No.30 of 2017 dated 12.06.2019 on the file of the IInd Additional Labour Court, Chennai and quash the same.

For Petitioner	: Mr.Gowthamaraj
For Respondent	: Mr.S.T.Varadarajulu



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ORDER

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This Writ Petition is filed by the Transport Corporation for a writ of certiorari to quash the award in I.D.No.30 of 2017 dated 12.06.2019 .

2. One Ponraj (hereinafter referred to as workman) was a driver in the petitioner management for Bus route No.37G. While he was driving the bus near Alwarthirunagar on 16.08.2010, one pedestrian crossed the road suddenly, fell on the left side of the bus, sustained injuries and on the way to the hospital succumbed to the injuries. Thereafter, the workman was suspended from service on 18.08.2010. Subsequently, a charge memo was issued under Section 25 (XXviii) for (rash and negligent driving) for loss of revenue and for the reimbursement of the loss under Section 25 (XL iii) of the Certified Standing Order. The workman did not submit his explanation to the charge memo. However, enquiry was conducted in which the workman and the CITU Union members participated. The enquiry officer submitted his report on 02.12.2011, holding that the workman was negligent. Thereafter, 2nd show cause notice was issued on 28.12.2011 to the workman for which he submitted his explanation. Since the explanation was found to be unsatisfactory, the petitioner Transport



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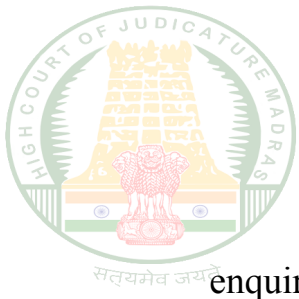
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Corporation imposed punishment of postponement of annual increment for 2 years, with cumulative effect and converted the suspension period as leave period. Aggrieved by the punishment order dated 06.02.2012, the respondent/Union raised the Industrial Dispute before the labour Court.

3. The labour Court in its Award modified the punishment of stoppage of increment from 2 years to one year with cumulative effect and further cancelled the conversion of suspension period as leave period and ordered payment of salary for the suspension period. Aggrieved by the order of the labour Court dated 12.06.2019, the Transport Corporation has filed the above writ petition.

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

5. Materials on record reveal that based on the findings of the enquiry officer that the workman was solely responsible for the accident, the petitioner Management suspended the workman on 18.08.2010 and thereafter on 13.09.2010, issued the charge memo. The workman did not submit his explanation to the charge memo however he participated in the

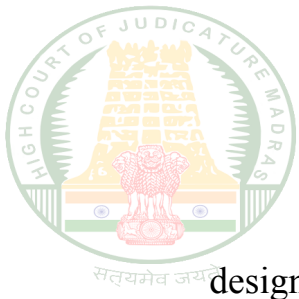


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enquiry along with the members of the union. The enquiry officer in his report dated 02.12.2011 found that the first charge relating to negligence was proved and that the 2nd charge was not proved. Based on the enquiry report, 2nd show cause notice was issued to the workman on 28.12.2011, to which he submitted his explanation on 17.01.2012. The petitioner Corporation not satisfied with the explanation, passed the order of punishment imposing stoppage of annual increment for two years with cumulative effect and treating the suspension period as leave. The respondent Union on behalf of the workman raised an Industrial Dispute, which was registered in I.D.No.30 of 2017. The Labour Court thereafter passed the impugned Award, challenging which the petitioner/ Corporation has filed the above writ petition.

6. The workman before the labour Court filed twelve documents but did not lead any oral evidence. The petitioner Corporation neither filed any document nor led any oral evidence. The labour Court on appreciation of the evidence on record found that the accident did not occur solely due to the negligence of the workman but that the deceased had contributed to the accident by suddenly crossing the road in “non

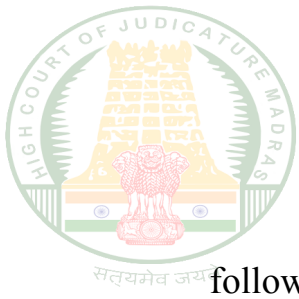


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designated crossing area”. On the basis of its finding on negligence, the labour Court modified the punishment from one of postponement of annual increment of two years with cumulative effect into one of stoppage of increment for one year with cumulative effect. The labour Court relying on the certified standing order marked as Ex.W.11, converted the suspension period as leave period and ordered payment of wages.

7. I find absolutely no perversity or infirmity in the award passed by the labour Court. The labour Court has appreciated the evidence properly and has given cogent reasons for its findings and therefore this Court is of the view that no interference is warranted in the labour Court Award. It is pertinent to note that interference by the labour Court on the punishment imposed by the petitioner/Corporation is consequent to its finding on negligence which cannot be faulted. It will be relevant to allude to the judgment of the Hon'ble Supreme Court with regard to power of judicial review under Article 226 of the Constitution with Award of the labour Court. In the case of **Heinz India (P) Ltd., Vs State of Uttar Pradesh** reported in (2012) 5 SCC 443 the Hon'ble Supreme Court



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followed the judgment in *Reid Vs Secretary of State for Scotland* reported in [(1999) 2 AC 512, 1999 (2) WLR 28] wherein it was stated as follows:-

“68... 'Judicial review involves a challenge to the legal validity of the decision. It does not allow the Court of review to examine the evidence with a view to forming its own view about the substantial merits of the case. It may be that the tribunal whose decision is being challenged has done something which it had no lawful authority to do. It may have abused or misused the authority which it had. It may have departed from the procedures which either by statute or at common law as a matter of fairness it ought to have observed. As regards the decision itself it may be found to be perverse, or irrational or grossly disproportionate to what was required. Or the decision may be found to be erroneous in respect of a legal deficiency, as for example, through the absence of evidence, or of sufficient evidence, to support it, or through account being taken of irrelevant matter, or through a failure for any reasons to take account of a relevant matter, or through some misconstruction of the terms of the statutory provision which the decision-maker is required to apply. But while the evidence may have to be explored in order to see if the decision is vitiated by such legal deficiencies it is perfectly clear that in case of review, as distinct from an ordinary appeal, the court may not set about forming its own preferred view of the evidence.



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8. This Court mindful of the limit of its power of judicial review as enunciated by the aforesaid judgment of the Hon'ble Supreme Court, finds absolutely no ground for interference with the award of the labour Court. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

10.09.2025

Index: Yes/No
Speaking order/Non-speaking order
dpq

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

N.MALA, J.

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