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W.P. No.30149 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.30149 of 2022

and

W.M.P. No.29583 of 2022

The Management of
Tamil Nadu State Transport
Corporation (Coimbatore Zone) Limited
No.37, Mettupalayam Road,
Coimbatore - 641 043. .. Petitioner

vs.

The General Secretary,
Tamil Nadu Arasu Pokkuvarathu
Seerudai Paniyalar Thozhil Sangam,
Registration No.1440 - Kovai,
Door No.610/200, Periyanaickenpalayam,
SRKV (Via), Coimbatore - 641 020. .. Respondent

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records relating to the Award made in I.D. No.60 of 2019 dated 04.08.2022 on the file of the Principal Labour Court, Coimbatore and quash the same.

For Petitioner : Mr. T. Chandrasekaran

For Respondent : Ms. H. Nandhini



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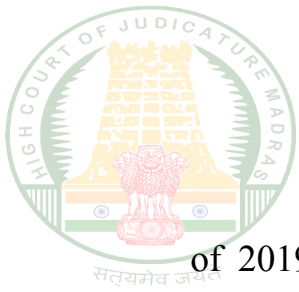
ORDER

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This Writ petition has been filed by the petitioner Management to quash the award passed in I.D. No.60 of 2019 dated 04.08.2022 on the file of the Principal Labour Court, Coimbatore.

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

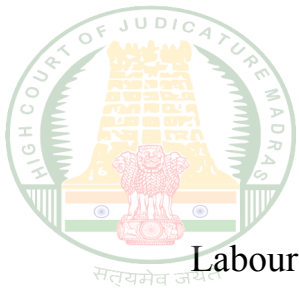
The Member of the respondent Union namely A. Iyyappan was appointed as Driver in the petitioner Corporation on 11.02.2008. On 07.01.2015, when he was driving the bus bearing Registration No.TN33 N 2446 at about 7.45 p.m. from Coimbatore to Mettupalayam, he caused an accident due to his negligent driving and due to which, a pedestrian died. Therefore, the Management issued a Charge Memo to the driver and he also gave his explanation. Being not satisfied with the explanation, the Management conducted a domestic enquiry and as per the enquiry report, the charges levelled against the delinquent were proved. Thereafter, the Disciplinary Authority awarded a punishment of postponement of annual increment for a period 2 years with cumulative effect and the suspension period from 10.01.2015 to 08.02.2015 was treated as 'leave on his credit'. Against which, the respondent Union raised an industrial dispute in I.D. No.60



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of 2019 before the Principal Labour Court, Coimbatore and the same was allowed by setting aside the punishment awarded by the Disciplinary Authority. Aggrieved over the said order, the present Writ petition has been filed by the Management.

3. The learned counsel appearing for the petitioner Management would submit that the Member of the respondent Union namely A. Iyyappan was the driver of the petitioner Management and when he was on duty on 07.01.2015, at about 7.45 p.m., he caused an accident and a pedestrian died. Therefore, a charge memo was issued to him and he also submitted his explanation. Being not satisfied with the explanation, the Management conducted a domestic enquiry and as per the findings rendered by the Enquiry Officer, the charges against the delinquent were proved and thereafter, once again, the delinquent was issued a second Show Cause Notice and the Disciplinary Authority awarded a punishment of postponement of annual increment for a period of 2 years with cumulative effect and also the period of suspension from 10.01.2015 to 08.02.2015 was treated as 'leave on his credit'. Against which, the respondent Union raised an industrial dispute before the Labour Court. Before the Labour Court, on the side of Management, they examined one witness and marked 13 documents. Without considering those evidences, the



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Labour Court erroneously allowed the industrial dispute and set aside the punishment awarded by the Management. Therefore, the order passed by the Labour Court is liable to be set aside.

3. The learned counsel appearing for the respondent Union would submit that on 07.01.2015, while the Member of the respondent Union namely A. Iyyappan was on duty, driving the bus from Coimbatore to Mettupalayam and when the bus was nearing Abhirami Theatre at Mettupalayam, a male pedestrian crossed the Road without minding the bus, thereby, an accident was occurred. The said accident was occurred solely due to the negligence on the part of the pedestrian. However, the Management issued a Charge Memo against the driver of the bus and he also submitted his explanation. But inspite of that, the Management conducted a domestic enquiry without following the principles of natural justice. The Enquiry Officer also without any prima facie evidence, rendered findings that the charges were proved against the delinquent. The Disciplinary Authority also without verifying the materials, erroneously accepted the enquiry report and awarded a punishment of postponement of annual increment for a period of 2 years with cumulative effect and treated the period of suspension as leave. Therefore, the Labour Court after considering the evidences adduced on both sides, has correctly



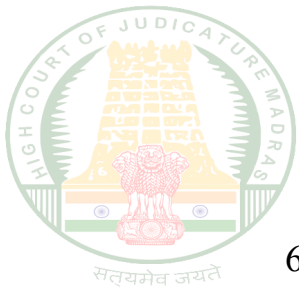
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allowed the petition and set aside the punishment awarded by the Management.

Neither before the Enquiry Officer nor before the Labour Court, the Management examined any eye witness to the occurrence. Therefore, there is no any proof to prove the negligence on the part of the driver of the bus and the Labour Court has passed a reasoned order and the same has to be confirmed. Therefore, the present Writ petition is liable to be dismissed.

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

5. In this case, it is an admitted fact that a domestic enquiry was conducted by giving opportunity to the Workman. According to the petitioner Management, due to the negligence on the part of the driver of the bus, an accident was occurred on 07.01.2015, thereby, they issued a Charge Memo on the driver and before the Enquiry Officer, they examined witnesses and as per his findings, the negligence was proved against the driver of the bus. Per contra, according to the respondent Union, no eye witness was examined and the witness examined on the side of the Management is no way connected with the accident and he is not an eye witness.



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6. This Court also perused the entire records. On a perusal of the records, it is seen that the Management has not examined any eye witness to the occurrence and the witness examined on the side of the Management is not an eye witness to the occurrence. The Management failed to examine either any one of the passengers who travelled in the bus or the Conductor of the bus, who was on duty on the date of the accident. Therefore, there is no any prima facie evidence to prove the negligence on the part of the driver of the bus based on the acceptable evidence. The findings of the Enquiry Officer that 'the charges against the delinquent were proved', is not acceptable without any prima facie evidence. Therefore, the Enquiry report is not acceptable. Even before the Labour Court, the Management failed to examine any eye witness to the occurrence to prove the negligence on the part of the driver of the bus. The Labour Court also in its order, after considering the documents submitted by the Management side, correctly held that the charges against the delinquent were not proved. Moreover, the Labour Court, while passing the preliminary Award rendered findings that the Management failed to examine any eye witness, even after that, the management failed to examine any eye witness before the Labour Court and further, before the MCOP Tribunal, the Management had taken a plea that there is no negligence on the part of the driver of the bus, whereas, in the domestic enquiry, they levelled charges



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against the delinquent stating that there is a negligence on the part of the driver of the bus.

7. In this context, the Hon'ble Supreme Court in a case 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".

8. In the case on hand also, the petitioner Management, before the Tribunal, had taken a plea that there is no negligence on the part of the driver, whereas before the Disciplinary Authority, they have pleaded about the negligence on the part of the driver of the bus and the accident occurred owing to the negligence on the part of the driver. Therefore, the Management cannot take contradictory nature of stances. They cannot reverse stance to suit its own interests. Therefore, the Labour court, after elaborate discussions, passed a reasoned order and correctly set aside the punishment awarded by the Management. Therefore, the order passed by the Labour Court is in order and there is no any perversity or illegality found and therefore, it does not



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warrant interference.

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9. Thereore in view of the above said discussions, this Court is of the opinion that this petition has no merits and deserves to be dismissed.

10. Accordingly, this Writ petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

27.06.2025

Index : Yes/No
Speaking order/non-speaking order
mjs

P. DHANABAL, J.,

mjs

To

1. The Presiding Officer,
The Principal Labour Court,
Coimbatore.

2. The General Secretary,
Tamil Nadu Arasu Pokkuvarathu
Seerudai Paniyalar Thozhil Sangam,
Registration No.1440 - Kovai,
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