



WEB COPY

W.A.No.3263 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**  
**AND**  
**THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

W.A.No.3263 of 2025  
and CMP.No.26793 of 2025

The Management,  
Rep. By its General Manager,  
Tamil Nadu State Transport Corporation Ltd.,  
Villupuram

... Appellant

*Vs.*

P.Rajendran  
S/o.Perumal  
Siruvathur Village,  
Poomalayanur Post,  
Ulundurpettai Taluk,  
Villupuram District

... Respondents

**PRAYER:** Appeal is filed under Clause 15 of the Letters Patent, praying

to set aside the order dated 18.12.2023 in W.P.No.17092 of 2020.

For Appellant : Ms.S.Pavithra

For Respondent : Mr.K.Arunagiri



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## **JUDGMENT**

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*(Judgment of this Court was delivered by M.S.RAMESH.J)*

This Writ Appeal has been filed to set aside the order dated 18.12.2023 in W.P.No.17092 of 2020.

2. On the basis of certain proven charges, when the appellant / Management had imposed the punishment of dismissal from service against the respondent herein, who was a driver and was alleged to have caused an accident due to his rash and negligent driving, the same came to be challenged before the Labour Court, Cuddalore in I.D.No.37 of 2017.

3. The Labour Court, had taken into consideration the evidences before it and had recorded that the accident may have been caused due to the rash and negligent driving of the respondent. However, on further consideration that the respondent herein had put in about 23 years of service and was also at the verge of retirement, had denied the back wages, while ordering reinstatement.



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4. The challenge to the award of the Labour Court before the Writ Court in W.P.No.17092 of 2020 was also dismissed vide order dated 18.12.2023, which is now assailed in this Writ Appeal.

5. Ms.S.Pavithra, learned counsel for the Appellant / Management drew our attention to the order of dismissal, wherein the previous service records of the respondent herein has been extracted and submitted that the driver was involved in 15 accidents during his service, and since there were materials before the Labour Court to show the rash and negligence of his driving, which caused the fatal accident, the labour Court, ought not to have ordered for reinstatement.

6. Per contra, Mr.K.Arunagiri, the learned counsel appearing for the respondent would submit that the Labour Court had rightly taken into consideration the long service rendered by the respondent for over 23 years, and in view of his imminent retirement, had rightly ordered for reinstatement without back wages and hence, no interference is required to the order passed therein.



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7. The Labour Court, in exercise of its powers under Section 11 of the Industrial Disputes Act, 1947, is empowered to weigh the proportionality of the punishment, which is under challenge before it and accordingly, modify the same. This Authority of the Labour Court has been well established in several decisions of the Constitutional Courts.

8. In the instant case, the Labour Court, on a preponderance of the evidence available before it, had found that there was a possibility of the driver having been rash and negligent in causing the accident. However, while imposing the punishment, it had taken into account the long service of 23 years rendered by the respondent and the fact that he was on the verge of retirement, and accordingly ordered reinstatement without back wages. We endorse the finding of the Labour Court in this regard.

9. Insofar as the previous record of the respondent is concerned, it is seen that apart from three punishments imposed on him for causing accidents, the other twelve punishments relate to damage caused to bus tyres. We are not in a position to attribute such damage of the tyres, solely on the respondent, for the purpose of considering it as an adverse service



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remark, since the possibility of such damage could equally be due to the poor maintenance of the tyres, for which the Management may also be responsible. Thus, we reject the objection raised by the learned counsel for the appellant in this regard.

10. The learned Single Judge, while dismissing the Writ Petition, had also found that the punishment imposed was disproportionate to the gravity of charges framed against the respondent, which finding also stands approved by us.

11. In the result, there are no grounds to interfere either with the award of the Labour Court or with the order passed in the Writ Petition. Accordingly, this Writ Appeal stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V.,J]

04.11.2025

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
**Anu**



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**and**  
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