



W.P(MD)No.1919 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.1919 of 2025

and

W.M.P.(MD)No.1375 of 2025

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Region, Tirunelveli.

... Petitioner

Vs.

General Secretary,
Nellai District Transport Labour Association (CITU),
Infront of Tamil Nadu State Transport Corporation,
Vannarpettai, Tirunelveli-3.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned award passed by the Labour Court, Tirunelveli in O.P.I.D.No.88 of 2022, dated 04.10.2023 and quash the same.

For Petitioner : Mr.K.Ramaiah

ORDER

This Writ Petition is filed challenging the award of the Labour Court, Tirunelveli made in O.P.I.D.No.88 of 2022, dated 04.10.2023.



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2.The brief facts of the case is that one Murugan is the driver of the petitioner Corporation. On 22.04.2018, when he was driving the bus from Papanasam to Tirunelveli, near V.K.Puram Petrol Bunk, he hit a pedestrian walking in front of the bus and left tyre of the bus run over the left leg of the pedestrian. Therefore, a criminal case was registered against the driver in FIR No.136 of 2018, dated 23.04.2018. Thereafter, the petitioner Corporation initiated disciplinary proceedings against the driver and conducted domestic enquiry on 29.01.2019. After completing the enquiry, the petitioner Corporation passed an order dated 29.08.2019, withholding the increment for two years with cumulative effect. Aggrieved by the same, the driver filed an appeal before the Managing Director, who in turn modified the punishment into stoppage of increment for one year with cumulative effect. Thereafter, the driver approached the Labour Court by filing O.P.I.D.No.88 of 2022, where the Labour Court, vide order dated 04.10.2023, set aside the punishment imposed by the petitioner Corporation. Aggrieved by the same, the petitioner Corporation has filed this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that the said accident occurred due to rash and negligence driving of the driver alone. Considering this aspect, the petitioner Corporation imposed punishment.



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However, the said vital fact has not been considered by the Labour Court, Tirunelveli.

4.I have given due consideration to the submissions made by the learned counsel for the petitioner and perused the award of the Labour Court, particularly, paragraph No.12, where the Labour Court has categorically recorded its finding.

5.It is to be noted that in the domestic enquiry, no eye witness was examined. The Assistant Manager alone was examined. Admittedly, the Assistant Manager is not an eye witness. Even during the cross-examination, the Assistant Manager has also admitted that the accident spot is busy road and the driver has driven the vehicle slowly. Hence, based on his evidence, the negligence or rashness on the part of the driver cannot be taken as proved. The Labour Court, only after analyzing the evidence of the Assistant Manager and Ex.M.7 enquiry proceedings, has come to the conclusion that the charges against the driver had not been proved in the manner known to law. Therefore, I do not find any error in the decision making process on the part of the Labour Court while arriving at such conclusion and setting aside the punishment imposed by the petitioner Corporation.



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6. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

24.01.2025

NCC : Yes / No

Index : Yes / No

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KRISHNAN RAMASAMY, J

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