



W.P(MD)No.2048 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.2048 of 2025

and

W.M.P.(MD)No.1447 of 2025

The Management,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Tirunelveli Region, Tirunelveli.

... Petitioner

Vs.

General Secretary,
Nellai, Chidambaranar, Kumari District
State Transport Employees Union,
Registration No.468/Tvl,
4C, Imperial Compound (Upstairs),
Peratchiamman Koil Road,
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.52 of 2021, dated 10.01.2024 and quash the same.

For Petitioner : Mr.K.Ramaiah



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ORDER

This Writ Petition is filed challenging the award of the Labour Court, Tirunelveli made in O.P.I.D.No.52 of 2022, dated 10.01.2024.

2.The brief facts of the case is that one Suresh Subramanian, who is the driver of the petitioner Corporation, while driving the bus from Tirunelveli Junction to Melapalayam, in front of Tirunelveli Junction Bus Stand entrance, hit rear portion of the private bus. Due to which, grill worth about Rs.4,000/- was broken. Therefore, the Assistant Engineer of Accident Wing of the petitioner Corporation preferred basic complaint to initiate disciplinary proceedings against the petitioner. Pursuant to the same, the petitioner Corporation initiated disciplinary proceedings by issuing charge memo along with suspension order dated 13.06.2016. After receiving the same, the driver submitted his explanation, stating that the private bus loaded the passenger by stopping the bus in front of his bus without giving enough space, therefore, while turning, the grill is damaged. Being not satisfied with the explanation submitted by the driver, without conducting domestic enquiry, the petitioner Corporation passed an order dated 06.09.2017, imposing fine of Rs.200/- towards 5% of the cost of damage. Aggrieved by the same, the driver approached the Labour Court by filing O.P.I.D.No.52 of 2021, where the



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Labour Court, vide order dated 10.01.2024 set aside the order of punishment given by the petitioner Corporation. Aggrieved by the same, the petitioner has filed this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that since there was a damage caused due to the accident, the penalty was imposed to the tune of Rs.200/-.

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

5.After perusal of the impugned award, it is seen that the petitioner Corporation imposed punishment only based upon the basic complaint, without conducting any domestic enquiry. Though the petitioner raised a valuable point in the defence, it has not been considered by the petitioner Corporation and further, no eye witness has been examined. After considering all these aspects, the Labour Court rightly set aside the punishment awarded by the petitioner Corporation. Therefore, I do not find any error in the decision making process



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on the part of the Labour Court while arriving at such conclusion and setting aside the punishment imposed by the petitioner Corporation.

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

Consequently, connected miscellaneous petition is closed.

27.01.2025

NCC : Yes / No

Index : Yes / No

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KRISHNAN RAMASAMY, J

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