



**W.P(MD)No.5097 of 2025**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.5097 of 2025**  
**and**  
**W.M.P(MD)No.3699 of 2025**

The Management,  
TNSTC (Madurai) Limited,  
By Pass Road,  
Collector Office Post,  
Dindigul.

... Petitioner

Vs.

The General Secretary,  
RMTC Workers Union,  
AITUC, 223, Pokkuvarathu Nagar,  
Alamarathpatti (Post),  
Dindigul District.

... 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 on the files of the learned Labour Court, Tiruchirappalli (Dindigul Camp Court) pertaining to its order in I.D.No.41 of 2019, dated 15.03.2023 and quash the same as illegal and pass such further or other orders as this Court.

For Petitioner : Mr.S.C.Herold Singh



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**W.P(MD)No.5097 of 2025**

For Respondent : Mr.G.M.Xavier

### **ORDER**

The Management of Tamil Nadu State Transport Corporation, Dindigul has filed the present writ petition challenging the award of the Labour Court, Tiruchirappalli (Dindigul Camp Court) in I.D.No.41 of 2019, wherein, the Labour Court has set aside the punishment imposed by the Management.

2. One Mr.R.Sivakumar, who was working as a Driver in the petitioner Corporation was issued with a charge memo for being involved in a fatal accident. Pursuant to enquiry, punishment order was passed on 07.02.2013 imposing a punishment of increment cut for a period of three years with cumulative effect. Challenging the same, he raised the industrial dispute through the Union under Section 2(k) of the Industrial Disputes Act, 1947. The Labour Court after considering the submissions made on either side and the documents filed, has proceeded to allow the industrial dispute and set aside the punishment imposed by the Management. Challenging the same, the Management has filed the present writ petition.

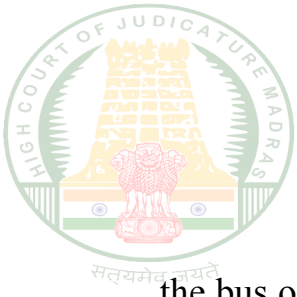


W.P(MD)No.5097 of 2025

WEB COPY

3. According to the learned Counsel appearing for the writ petitioner, the bus was driven in a rash and negligent manner and it had dashed against the rear right side of the auto which was proceeding in front of the bus. Due to the said accident, the auto got capsized and two persons died and 11 persons got injured. Had the driver been cautious enough and driven the vehicle in a normal speed, this accident could have been avoided. This accident has resulted in huge financial loss to the petitioner Management due to payment of compensation before the Motor Accident Claims Tribunal. However, the Labour Court has not properly considered the negligence on the part of the driver of the Transport Corporation. In fact, one of the eye witnesses to the said accident has been examined in the domestic enquiry proceedings. Hence, he prayed for setting aside the award of the Labour Court and to restore the punishment imposed by the Management.

4. Per contra, the learned Counsel appearing for the Union representing the workman submitted that, in the enquiry proceedings, it has been specifically found that the auto was overloaded and there was a permit violation. In fact, the auto which was proceeding in front of the bus suddenly slowed down and attempted to take a right turn without any signal. This has resulted in dashing of



W.P(MD)No.5097 of 2025

WEB COPY

the bus on the rear right side of the auto. Therefore, there was no negligence on the part of the driver of the Transport Corporation. He further pointed out that even in the domestic enquiry proceedings, it has been pointed out that, there was negligence on the part of the driver of the auto. In such circumstances, the Labour Court has rightly set aside the punishment imposed by the Management on the ground that there was no negligence on the part of the Driver of the Transport Corporation. Hence, he prayed for sustaining the award passed by the Labour Court.

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

6. A perusal of the domestic enquiry report reveals that, an auto carrying 11 passengers was proceeding in front of the bus. The auto driver had without any signal attempted to take a right turn and the bus has dashed as against the rear right side of the auto. The manner of accident clearly indicates that, despite the caution exercised by the driver of the bus, the accident has taken place and no misconduct can be attributed to the driver. In such circumstances, the Labour Court after considering the entire evidence on record has rightly arrived at a finding that, there is no negligence on the part of the driver of the Transport



**W.P(MD)No.5097 of 2025**

WEB COPY

Corporation. In such circumstances, there are no merits in the present writ petition. Hence, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

**26.06.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
BTR

To

The General Secretary,  
RMTC Workers Union,  
AITUC, 223, Pokkuvarathu Nagar,  
Alamarathpatti (Post),  
Dindigul District.

**R.VIJAYAKUMAR, J.**



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**W.P(MD)No.5097 of 2025**

BTR

**W.P(MD)No.5097 of 2025**

**26.06.2025**