



**W.P.(MD).No.3677 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 26.06.2025**

**CORAM:**

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

W.P(MD)No.3677 of 2025

and

W.M.P(MD) No.2639 of 2025

The Management,  
Tamil Nadu State Transport Corporation,  
(Madurai) Limited,  
By Pass Road,  
Collector Office Post,  
Dindigul.

... Petitioner

Vs.

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

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the Labour Court, Trichy (Dindigul Camp Court) pertaining to its proceedings in I.D.No.65 of 2019, dated 17.03.2023 and quash the same.

For Petitioner : Mr.S.C.Herold Singh



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For Respondent : Mr.G.M.Xavier

## **ORDER**

The Management of the Tamil Nadu State Transport Corporation has filed the present Writ Petition challenging the award passed by the Labour Court, Tiruchirappalli (Dindigul Camp Court), in I.D.No.65 of 2019.

2. One Mr.M.Raja, who was working as a driver in the Tamil Nadu State Transport Corporation was issued with a charge Memo on 15.07.2016 for causing a fatal accident on 06.07.2016. The driver has submitted an explanation on 13.08.2016 and not been satisfied with the explanation, an Enquiry Officer was appointed by the petitioner Management. A report was submitted on 26.11.2016. A second show cause notice was issued on 30.11.2016 proposing to impose a punishment. After considering the explanation submitted by the driver, an order of punishment was passed on 17.02.2017 imposing a punishment of increment cut for a period of two years with cumulative effect. This order was put to challenge by the concerned Trade Union before the Labour Court under Section 2 (k) of the Industrial Disputes Act.



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3. The Labour Court found that the findings of the Enquiry Officer are perverse in nature. Considering the past records of the driver, the Labour Court was pleased to set aside the punishment imposed by the Management. Challenging the said order, the present Writ Petition has been filed.

4. According to the learned counsel appearing for the petitioner/ Management, two persons who were travelling in a two wheeler had passed away due to the negligence on the part of the driver. Though the two wheeler had skid in the road and both of them have fallen down, if the driver had been careful enough, the accident could have avoided. Therefore, the accident has solely taken place only due to the negligence on the part of the driver. In such circumstances, after conducting proper enquiry punishment has been imposed by the Management. The Labour Court ought not to have set aside the punishment order.

5. Per contra, the learned counsel appearing for the respondent submitted that the Enquiry Officer has arrived at a specific finding that the rider of the two wheeler was also negligent and he was not wearing a helmet. The enquiry Officer has further found that the two wheeler had skid from the



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road and it was dragged to some distance. In such circumstances, negligence cannot be attributed to the driver of the Transport Corporation. Relying upon the enquiry report the learned counsel submitted that the punishment should not have been imposed by the Management and he sought confirming the award passed by the Labour Court.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. A perusal of the domestic enquiry report, which is marked as Ex.M8 before the Labour Court, reveals that the Enquiry Officer has arrived at a specific finding that the accident has taken place due to the negligence on the part of the rider of the two wheeler as well as the driver of the Transport Corporation. It has been pointed out that the two wheeler had skid in the road and it has gone under the bus. The bus had rolled over the rider and pillion rider of the two wheeler. In such circumstances, it is clear that the accident has taken place not solely due to the negligence on the part of the driver of the Transport Corporation. In such circumstances, the Labour Court has rightly set aside the order of punishment imposed by the Management.



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8. In view of the above said deliberations, there are no merits in the Writ Petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

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NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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To  
The General Secretary,  
RMTC Workers Union,  
AITUC, 223,  
Pokkuvarathu Nagar,  
Alamarathupatti (Post),  
Dindigul District.



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**R.VIJAYAKUMAR,J.**

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