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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.4571 of 2021

The General Secretary,
Nellai District State Transport Employees Union,
In front of State Transport Head Quarters,
Vannarpettai, Tirunelveli - 627 003.
For Worker V.Subbiah Boopathy (E.8866)

...Petitioner

Vs

1.The Management,
Tamil Nadu State Transport Corporation,
19, Thiruvananthapuram Road,
Vannarpettai, Tirunelveli - 627 003.

2.The Presiding Officer,
Labour Court,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus** calling for the records pertaining to the impugned order passed by the 2nd respondent in I.D.No.78 of 2018, by order Dated 13.12.2019, and quash the same and consequently direct the 1st Respondent to give the stoppage of increment for two years with cumulative effect and to regularize the suspension period as duty period to the Worker V.Subbiah Boopathy, Driver.



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For Petitioner : M/s.K.Gokul

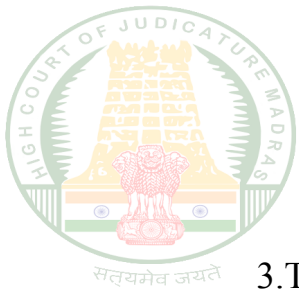
For Respondent : Mr.R.Rajamohan for R1
R2 - Labour Court

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ORDER

The present Writ Petition has been filed by the Union challenging the award of the labour Court, Tirunelveli, in I.D.No.78 of 2018, dated 13.12.2019, wherein the punishment imposed by the Management has been confirmed.

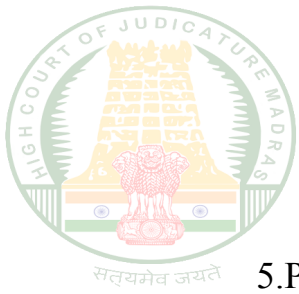
2.One Mr.V.Subbiah Boopathy, who was employed as a Driver in the first respondent transport Corporation was issued with a charge memo on 16.01.2010, for being involved in a fatal accident. In the domestic enquiry, the charges against the petitioner have stood proved and the Management has passed an order imposing a punishment of increment cut for a period of two years with cumulative effect. This order was put to challenge by the Trade Union before the Labour Court.



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3.The labour Court has found that the charges as against the petitioner were proved and the punishment imposed upon the workman is not disproportionate to the proved charges. Challenging the same, the present Writ Petition has been filed.

4.According to the learned Counsel appearing for the writ petitioner, the workmen was implicated in C.C.No.81 of 2010, on the file of the District Munsif cum Judicial Magistrate Court, Sivagiri, for committing the offence of rash and negligent driving. However, he was acquitted from the criminal case. After acquittal, the departmental proceedings have been initiated as against him and therefore, punishment imposed by the Management is not legally sustainable. He has further contended that the labour Court has not properly appreciated the submission made on the side of the workmen and has proceeded to confirm the order of punishment. The post-mortem report does not reveal any tyre marks upon the body of the deceased child and therefore, the Management has not proved the charges as against the petitioner in the domestic enquiry. When the post-mortem report does not support the case of the Management, punishment should not have been imposed as against the petitioner.



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5.Per contra, the learned Standing Counsel appearing for the respondent transport Corporation has submitted that the accident has taken place at about 7.15 p.m. and it was reported to the police station at about 8.00 p.m. The workmen has not stopped the vehicle after the accident has taken place. Only during the next trip, the vehicle was intercepted by the police and it was taken to the police station. The driver has handed over the vehicle to the police authority without any resistance. This fact would clearly establish that the petitioner was responsible for the accident. He has pointed out that the acquittal of the petitioner is only on the ground of 'benefit of doubt' and therefore, the said ground cannot be taken into consideration.

6.I have considered the submissions made on either side and perused the materials available on record.

7.A perusal of the basic report as well as the FIR marked as Ex.M1 and Ex.M3, would reveal that when the workman was driving the bus, he had dashed against a six year old child and the said child had sustained massive crush injury from her lower part of abdomen upto left knee. She had died on the spot. The workmen has not stopped the bus in the place of accident, in fact he had taken the next trip also. At that point of time, the vehicle was intercepted by the police



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authority and the bus has been taken to the police Station. Considering the nature of injuries sustained by the girl and the manner of accident, the enquiry officer has chosen to arrive at a finding that the charges as against the petitioner have stood proved. The labour Court has also arrived at an independent finding that the charges as against the petitioner have stood proved. Except the defence that no tyre marks are found as against the child, no other defence has been taken by the workman. In such circumstances, this Court is of the considered opinion that the charges as against the petitioner have been proved. Considering the nature of the injuries, and the conduct of the petitioner after the accident, punishment imposed upon the petitioner for postponement of increment for a period of two years with cumulative effect, is not disproportionate to the proved charges and therefore, the labour Court has rightly dismissed the industrial dispute. There are no merits in the Writ Petition.

8. Accordingly, this Writ Petition stands dismissed. No costs.

07.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

To

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