



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.08.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5017 of 2025
and
W.M.P(MD)No.3628 of 2025

The Management,
Tamil Nadu State Transport Corporation,
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 is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorari**, call for the records pertaining to the impugned award passed by the Labour Court, Tirunelveli, in I.D.No.127 of 2022, dated 08.02.2024, and quash the same.

For Petitioner : Mr.K.Ramaiah

For Respondent : Mr.K.Guhan

* * * * *



ORDER

WEB COPY

The present Writ Petition has been filed challenging an award passed by the Labour Court, Tirunelveli, in I.D.No.127 of 2022, dated 08.02.2024, wherein punishment imposed upon the workman has been set aside.

2.One G.Sudar, who was working as a Driver in the petitioner transport Corporation was issued with a show cause notice on 23.01.2014, for the damage caused to the vehicle and injury sustained to some of the passengers in an accident that has taken place on 22.01.2014. After domestic enquiry, the workman was found guilty and he was imposed with a punishment of postponement of increment for a period of two years with cumulative effect. Challenging the same, the workman through his Union has raised an Industrial Dispute before the Labour Court, Tirunelveli. The labour Court after going through the counter filed in the Motor Accident Claims Petition as well as the in the domestic enquiry proceedings has proceeded to arrive at a finding that the accident has taken place only due to mechanical defect and not due to the rash and negligence driving on the part of the driver. Based upon the said finding, the labour Court has set aside the order of punishment and has allowed the Industrial Dispute. Challenging the same, the present Writ Petition has been filed by the Management.



WEB COPY

3. According to the learned Counsel appearing for the Petitioner/ Management, only due to rash and negligence driving on the part of the driver, the bus had dashed against the side wall of a bridge and has fallen into the river. This has resulted in damage to the bus as well as injury to some of the passengers. Due to rash and negligence driving on the part of the Driver, the Corporation has incurred huge financial loss in payment of compensation to the injured passengers before the Motor Accidents Claims Tribunal. The Labour Court has not properly appreciated the domestic enquiry proceedings and has erroneously set aside the order of punishment.

4. Per contra, the learned Counsel appearing for the respondent workman has submitted that the Motor Vehicle Inspector report was marked in the domestic enquiry proceedings, which would clearly indicate that when the bus had reached near Tharuvai River Bridge, P.R.F.L. Spring Main II was broken up, T.R.rear, T.L.rear and Sakkle were also broken up and III Rod Amp bolt was cut from the bus which resulted in dragging of the bus towards one side of the road. He has further submitted that counter filed by the Management in M.C.O.P.108 of 2014, has been marked as Ex.W8, which would clearly indicate that the accident has taken place only due to mechanical defects and not due to



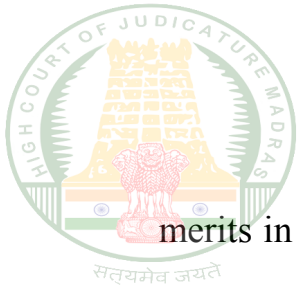
WEB COPY

rash and negligence on the part of the workman. Hence, he prayed for sustaining the award passed by the trial Court.

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

6.A perusal of the domestic enquiry proceedings would clearly reveal that the Motor Accident Inspector Report has been marked. The said report would indicate that there were mechanical defects and due to the same, the bus was dragged to one side of the road and therefore, the driver had lost his control. The transport Corporation in paragraph No.4, of their counter filed in M.C.O.P.No.108 of 2014, has specifically pointed out that the driver of the vehicle had driven the same in a proper manner and due to mechanical defects, the bus has suddenly dashed against the wall of the bridge. Therefore, it is clear that there is no misconduct on the part of the driver which would attract the disciplinary proceedings.

7.The Labour Court has properly appreciated the documentary evidence and has proceeded to set aside the order of punishment. No materials have been placed on record before this Court to interfere in the said award. There are no



merits in the Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

07.08.2025

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

To

The General Secretary,
Nellai, Chidambaranar, Kumari District,
State Transport Employees Union,
Registration No.468/ Tvl,
4C, Imperial Compound (Upstairs),
Peratchiamman Koil Road, Vannarpettai,
Tirunelveli - 3.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

W.P.(MD)No.5017 of 2025
and
W.M.P(MD)No.3628 of 2025

07.08.2025