



W.P(MD)No.6163 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6163 of 2025
and
W.M.P(MD)No.4519 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 Certiorari, calling for the records on the file of the Labour Court, Trichy (Dindigul Camp Court) pertaining to its proceedings in I.D.No.33 of 2019, dated 26.09.2023 and quash the same and pass such further or other orders as this Court.

For Petitioner : Mr.S.C.Herold Singh



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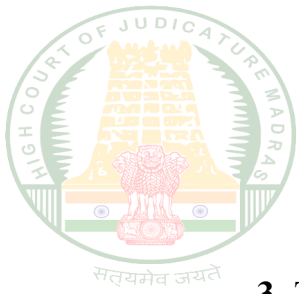
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For Respondent : Mr.G.M.Xavier

ORDER

The present writ petition has been filed by the Management of Tamil Nadu State Transport Corporation, Madurai challenging the order passed by the Labour Court, Tiruchirapalli, Dindigul Camp Court in I.D.No.33 of 2019, wherein, the punishment imposed upon the driver has been modified.

2. One Mr.P.Ganesan, who was employed as a driver in the petitioner Transport Corporation was issued with a show cause notice on 19.08.2015 for being involved in a fatal accident. After conducting domestic enquiry, the charges as against the workman with regard to his rash and negligent driving were found to be proved. The workman was issued a second show cause notice and after considering the explanation, punishment was imposed upon the workman for postponement of increment for a period of two years with cumulative effect. This order was put to challenge by the workman before the Labour Court.

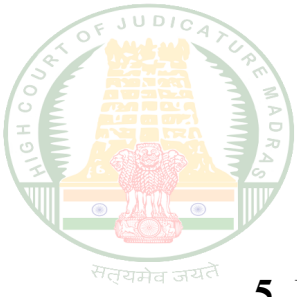


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3. The Labour Court after considering the oral and documentary evidence has arrived at a finding that, the domestic enquiry has been conducted in a fair manner after strictly following the principles of natural justice. The Labour Court also arrived at a finding that, the charges as against the workman have been proved. However, the Labour Court has proceeded to modify the punishment from two years increment cut with cumulative effect to two years increment cut without cumulative effect. Challenging the order of modification of punishment, the present writ petition has been filed by the Management.

4. According to the learned Counsel appearing for the petitioner, once the charges as against the workman have been found to be proved, the Labour Court ought not to have interfered with the quantum of punishment. He further submitted that due to rash and negligent driving on the part of the workman, a fatal accident has happened and the Transport Corporation has incurred huge financial loss towards payment of compensation in the motor accident claim proceedings. In such circumstances, sympathy should not have been shown to the workman.



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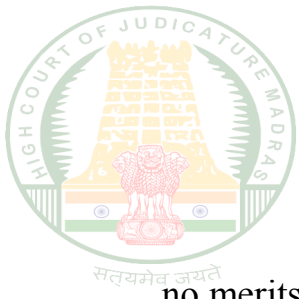
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5. Per contra, the learned Counsel appearing for the workman submitted that, the workman was not involved in any fatal accident at any earlier point of time. This is the first misconduct of a similar nature. In such circumstances, the Labour Court was empowered to modify the quantum of punishment.

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

7. The only issue before this Court is whether the Labour Court was justified in reducing the punishment from two years increment cut with cumulative effect to two years increment cut without cumulative effect.

8. The second show cause notice issued to the workman and the punishment order do not disclose any previous misconduct of the workman of similar nature. They relate to some other misconduct. Considering the fact that this is the first case wherein he is involved in a fatal accident, the Labour Court has exercised its discretion and modified the punishment from two years increment cut with cumulative effect to two years increment cut without cumulative effect. No materials have been placed by the Management to restore the punishment imposed by the Management. In such circumstances, there are



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no merits in the writ petition. The Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

14.07.2025

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

To

- 1.The General Secretary,
RMTC Workers Union,
AITUC, 223, Pokkuvarathu Nagar,
Alamarathupatti (Post),
Dindigul District.
- 2.The Labour Court,
Trichy (Dindigul Camp Court).



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R.VIJAYAKUMAR, J.

BTR

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