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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.8924 of 2021
and
W.M.P(MD)No.6723 of 2021

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli Zone, Tirunelveli.

...Petitioner

Vs

General Secretary,
Nellai Chithambaranar,
Kanniyakumari District,
The State Transport Employees Union,
Registration No.468/Tee. Lee, 4C,
Imperial Compound (1st Floor),
Peratchi Amman Koil Street, Wahermenpettai,
Thirunelveli.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorari**, by calling for the records relating to the impugned order passed by the Labour Court, Tirunelveli, dated 18.06.2020, passed in I.D.No.79 of 2018.



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For Petitioner : M/s.R.Rajamohan

For Respondent : Mr.K.Guhan

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ORDER

The Management of the Tamil Nadu State Transport Corporation, Tirunelveli Zone, Tirunelveli, has filed the present petition challenging the award of the Labour Court dated 18.06.2020, made in I.D.No.79 of 2018.

2.A Driver working in the respondent Transport Corporation, namely, Mr.T.Muruganandham, was issued with a charge memo on 16.02.2013, for being rash and negligent in driving and involving himself in a fatal accident. Not being satisfied with the explanation offered by the workmen, domestic enquiry was conducted and it was found that the charges as against him stood proved. Based upon the said report, the workmen was imposed with a punishment of postponement of increment for a period of three years without cumulative effect. This was challenged before the Labour Court.

3.After considering the counter filed by the transport Corporation before the Motor Accident Claims Tribunal in M.C.O.P.No.92 of 2013 (marked as



Ex.W14) the labour Court has arrived at a findings that the Management having taken a specific stand that their Driver was not responsible for the accident, thereafter, cannot initiate disciplinary action as against their Driver alleging misconduct. Based upon the said findings, the Labour Court has proceeded to set aside the order of punishment imposed by the Management. Challenging the same, the present Writ Petition has been filed by the transport Corporation.

4. According to the learned Counsel appearing for the writ petitioner, the Labour Court has arrived at a finding that though the Management has contended that they look into the previous conduct of the workman and has imposed the order of punishment, that no such documents have been produced. However, it is the case of the petitioner that all the documents have been produced before the disciplinary authority establishing the past conduct of the petitioner. He has further contended that the counter filed in M.C.O.P. Proceedings would not estop by the petitioner Management from initiating disciplinary action as against their workmen.

5. Per contra, the learned Counsel appearing for the respondent workmen has relied upon the judgment of the Hon'ble Supreme Court reported in **2025 (4) SCC 321**, and contended that the Management cannot take two different



stand in the Motor Accident Claims Tribunal as well as in the department proceedings. In fact, the Labour Court has arrived at a specific finding that the petitioner is not responsible for the said fatal accident.

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

7.The Management has filed a Counter before the Motor Accident Claims Tribunal in M.C.O.P.No.92 of 2013, (marked as Ex.W14). A perusal of the said document reveals that the Management has taken a specific stand that their driver is not responsible for the accident and there was no negligence on the part of the Driver. However, a charge memo has been issued to the workmen on 16.02.2013, alleging that due to his negligence, the fatal accident has taken place.

8.The judgment of the Hon'ble Supreme Court reported in **2025 (4) SCC 321**, paragraph Nos.30 and 32, is extracted as follows:-

“30.The Corporation did not deliberately refer to the award of MACT at two different tiers, and thereby actively suppressed relevant material from a Court of law. We do not propose to enter the arena of controversy as to whether the



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award of MACT is binding on the Labour Court. However, the Corporation could not have at any rate resiled from what it pleaded in its own written statement before MACT on a sworn affidavit and deliberately withhold the same. This Court has always taken a serious view against suppression of evidence in a judicial proceeding.

32. Even if we keep the award of the MACT aside, it is clear from the pleadings of the Corporation before the MACT and the Labour Court that the Corporation has attempted to get the best of both worlds. The contradictory nature of the stances taken by the Corporation before the Labour Court and the MACT reeks of the Corporation trying to approbate and reprobate on the same issue. It is bound to cause immense prejudice to Mahadeo if the Corporation is allowed to reverse its stance to suit its own interests.”

9. In view of the judgment of the Hon'ble Supreme Court, the Management is estopped from taking two contradictory stands in the Motor Accident proceedings as well as in the departmental proceedings. In such circumstances, the labour Court has rightly set aside the order of punishment imposed by the Management.



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10. Therefore, there are no merits in the writ petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

12.06.2025

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

To

The learned Judge,
Labour Court,
Tirunelveli.



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R.VIJAYAKUMAR, J.

RJR

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