



W.P(MD)No.8976 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8976 of 2021
and
W.M.P(MD)No.6762 of 2021

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Ranithottam,
Nagercoil.

... Petitioner

Vs.

General Secretary,
The State Transport Employees Union,
4 KKM - C.I.T.U.,
Ranithottam,
Nagercoil,
Kanyakumari 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 relating to the impugned order passed by the Labour Court, Tirunelveli, dated 19.12.2019 passed in I.D.No.67 of 2018 and quash the same.



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W.P(MD)No.8976 of 2021

For Petitioner : Mr.R.Rajamohan

For Respondent : Mr.S.Arunachalam

ORDER

The Management of Tamil Nadu State Transport Corporation, Tirunelveli Region has filed the present writ petition challenging the award of the Labour Court, Tirunelveli in I.D.No.67 of 2018.

2. One Mr.C.Balasubramanian, who was working as a Driver in the petitioner Transport Corporation was issued with a charge memo on 06.05.2014 alleging that he was involved in a fatal accident on 31.01.2014. After domestic enquiry, the Management imposed a punishment of postponement of increment for a period of three years with cumulative effect. Challenging the same, the Driver had filed the I.D.No.67 of 2018.

3. The Labour Court after considering the documentary evidence filed on either side has arrived at a finding that, the Management had failed to prove the charges by examining the eye witness on their side. Based upon the said



W.P(MD)No.8976 of 2021

WEB COPY

finding, the Labour Court was pleased to set aside the punishment imposed by the Management. Challenging the same, the present writ petition has been filed.

4. According to the learned Counsel appearing for the writ petitioner, the accident has taken place in front of Vadacheri bus stand, when the bus was coming out of the bus stand, which is a very congested place. If the driver had driven the vehicle in a slow and steady manner after blowing the horn, the accident could have been avoided. The right front side of the bus had dashed against the pedestrian and he had fallen down, sustained injuries in his leg and later passed away. This accident could have been avoided if the driver had been careful. In the domestic enquiry proceedings, the accident report as well as the evidence of the authority who prepared the accident report has been considered and he has been found guilty. The Labour Court has not properly appreciated the domestic enquiry proceedings and has proceeded to set aside the order of punishment. Hence, he prayed for setting aside the order passed by the Labour Court and to confirm the punishment imposed by the Management.

5. Per contra, the learned Counsel appearing for the respondent herein submitted that the road at that particular place was with many potholes. The 80



W.P(MD)No.8976 of 2021

WEB COPY

year old pedestrian had lost his balance in one of the potholes and he had fallen down, sustained injuries and later passed away. The bus has not dashed against the pedestrian. He had further submitted that as per the accident report submitted by the official of the Transport Corporation, the pedestrian was also equally responsible for the accident. In such circumstances, the enquiry officer should not have arrived at a finding that, the charges as against the delinquent have been proved. He further submitted that the Labour Court after considering the evidence on either side had proceeded to set aside the punishment imposed by the Management. Hence, he prayed for sustaining the award passed by the Labour Court.

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

7. The charges as against the delinquent driver is that he had driven the bus in a rash and negligent manner and dashed against a pedestrian. He had disputed the said accident in his explanation as well as the domestic enquiry proceedings. Even in the domestic enquiry proceedings, no eye witnesses have been examined. The official who had prepared the accident report had reached the spot after the accident. In his report, he has stated that the



W.P(MD)No.8976 of 2021

WEB COPY

pedestrian is also equally responsible for the accident. Therefore, it is clear that, the Management has miserably failed to prove that the accident has taken place due to the rash and negligent driving on the part of the delinquent driver. The Labour Court after considering the entire evidence on record has rightly arrived at a finding that the charges as against the petitioner have not been proved. No materials have been placed before this Court to take a different view. There are no merits in the writ petition. The writ petition stands dismissed. The petitioner Transport Corporation is directed to release the monetary benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

19.08.2025

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



W.P(MD)No.8976 of 2021

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- 1.The General Secretary,
The State Transport Employees Union,
4 KKM - C.I.T.U,
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Kanyakumari District.
- 2.The Labour Court,
Tirunelveli.



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W.P(MD)No.8976 of 2021

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.8976 of 2021

19.08.2025