



WP(MD)No.7845 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.7845 of 2022 and
WMP(MD)No.5898 of 2022**

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

...Petitioner

Vs

General Secretary,
The State Transport Employees Union,
23-B, Ranithottam,
Nagercoil

...Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to the impugned order passed by the Labour Court, Tirunelveli dated 30.06.2020 in ID.No.109 of 2018 and to quash the same.

For Petitioner : Mr.R.Rajmohan
For Respondent : Mr.M.Govindan,
Legal Aid Counsel



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ORDER

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The management of Tamil Nadu State Transport Corporation, Nagercoil region has filed this writ petition as against the award passed by the Labour Court in ID.No.109 of 2018, dated 30.06.2020.

2.This industrial dispute was raised by the trade union on behalf of one Kumaran, Driver of the petitioner management. This Driver while was on duty in a bus bearing Reg.No.TN74 N 9044 in route No.9 on 14.04.2015 hit on a two wheeler and caused fatal accident. Therefore, a criminal case has been registered in Crime No.156 of 2015. Due to the accident and the registration of the criminal case, disciplinary proceedings was initiated as against the said Driver by issuing a charge memo on 08.05.2015 and in conclusion of the disciplinary proceedings he was imposed with a punishment of stoppage of increment for a period of 3 years by order dated 17.04.2017. Thereafter challenging the punishment order the respondent has raised an industrial dispute on behalf of the said driver before the Labour Court. The criminal case registered for this accident said to have taken place on 14.04.2015 in Crime No.156 of 2015 on the file of the Pudukadai Police Station,



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Kanyakumari district, has later been closed as mistake of fact on 30.0.6.2020. By considering this subsequent development in Crime No.156 of 2015, the Labour Court allowed the industrial dispute. Aggrieved by that order, the management has filed this writ petition.

3.The learned counsel for the petitioner submits that the punishment has been imposed on the delinquent employee not only based on the accident he caused on 14.04.2015, but also by considering his past conduct that he had caused seven accidents. Though the criminal case has been closed as mistake of fact, it is a fatal accident. Therefore, according to the learned counsel for the management, this conduct of the driver has not only taken away the life of a person, but also affected the reputation of the petitioner corporation. By taking into all these aspects punishment has been imposed on him.

4.Though the respondent was served notice, there was no representation for the respondent. Therefore, this court appointed Advocate Mr.S.Govindan, as legal aid counsel to defend this case on behalf of the respondent.



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5.The learned legal aid counsel by referring to the findings of the Labour Court and the result of the criminal case registered as against the Driver in Crime No.156 of 2015 submits that the transport corporation is expected to review its findings even if there is an order of acquittal or on filing of the final report in favour of the employee. Here in this case the investigating authority has referred the case as mistake of fact and in such event, the respondent is entitled for the benefit as per the settlement under Section 12(3) of the Industrial Disputes Act. The learned counsel has also relied on the orders of this court in WP(MD)No.14780 of 2018, dated 10.07.2018.

6.This court has considered the rival submissions made and perused the materials placed on record.

7.The employee Driver of the petitioner transport corporation was issued with a charge memo for the accident said to have taken place on 14.04.2015, while he was on duty. Though a person riding a two wheeler is said to have died in the said accident, the criminal case registered in Crime No.156 of 2015 was later referred to as mistake of fact. Though it



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is not in dispute, the rider of the two wheeler was not having valid driving licence.

8.Clause 61 of the settlement under Section 12(3) of the ID Act deals with the disciplinary action in accident cases as under:

“Disciplinary Action in Accident Cases

61.Where a driver involved in an accident and held guilty of charge in domestic enquiry, subsequently honourably acquitted in the criminal case, the decision in the disciplinary case on the same charge may be revised based on the orders of the Court. However, if the acquittal is by benefit of doubt, no such revision is necessary.”

9.In the case on hand, the criminal case was not even prosecuted by the police that the rider of the two wheeler was not having any valid driving licence. In that event, this court is not inclined to interfere with the findings of the Labour Court. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.



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10.This court places its appreciation to the learned legal aid counsel for his efforts in defending this case. Therefore, the Legal Services Authority of this Bench is directed to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand) to the learned legal aid counsel.

18.11.2025

DSK

To

- 1.The Presiding Officer,
Labour Court,
Tirunelveli.
- 2.The Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI.J.,

DSK

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