



W.P.(MD).No.8909 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8909 of 2021

and

W.M.P(MD) No.6702 of 2021

The Management,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
19, Trivandrum Road,
Vannarpettai,
Tirunelveli – 627 003.

... Petitioner

Vs.

The General Secretary,
Nellai District Transport Employees
Union (CITU),
In front of the head – office of the
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited, Vannarpettai,
Tirunelveli – 627 003.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, by calling for the records relating to the impugned order passed by the Labour Court, Tirunelveli, dated 28.02.2020 passed in I.D.No.89 of 2018.

For Petitioner : Mr. R.Rajamohan



W.P.(MD).No.8909 of 2021

WEB COPY

For Respondent : Mr.S.Arunachalam

ORDER

The Management of the State Transport Corporation, Tirunelveli has filed the present Writ Petition challenging the Award of the Labour Court, Tirunelveli in I.D.No.89 of 2018, dated 28.02.2020.

2. One Mr.K.Selvaperumal, who was working in the Transport Corporation was issued with a charge Memo on 12.08.2013 for having involved in a fatal accident. After domestic enquiry, workman was imposed with punishment of postponement of increment for a period of two years with cumulative effect. Challenging the same, the workman had raised the industrial dispute.

3. The Labour Court, after considering the documentary evidence filed on either side has arrived at a finding that the rider of the two wheeler had attempted to overtake the bus and he had dashed against the front right side of the bus. The enquiry report also points out the said fact. In such circumstances, the Enquiry Officer ought not to have arrived at a finding that



W.P.(MD).No.8909 of 2021

WEB COPY

there was negligence on the part of the delinquent and recording the said finding, the Labour Court set aside the punishment imposed upon the workman. Challenging the same, the present Writ Petition has been filed by the Management.

4. According to the learned counsel appearing for the petitioner/ Management, if the driver of the Transport Corporation has driven the vehicle in a proper manner, he could have avoided the fatal accident. In view of the fatal accident, the petitioner Corporation has suffered a huge loss, due to the claim petition filed by the family members of the deceased person. The Tribunal has not properly appreciated the documents filed on the side of the Management and has proceeded to pass orders and erroneously set aside the punishment imposed by the Corporation.

5. Per contra, the learned counsel appearing for the workman through Union submitted that the charges as against the workman have not been proved. Even in the domestic enquiry, it has been pointed out that there was negligence on the part of the rider of the two wheeler and hence he prayed for confirming the award passed by the Labour Court.



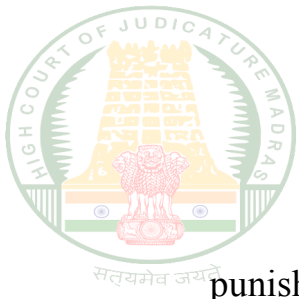
W.P.(MD).No.8909 of 2021

WEB COPY

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

7. A perusal of Accident Investigation Report submitted by the official of the Transport Corporation which has been marked as Ex.M1 reveals that the rider of the two wheeler was responsible for the accident. A perusal of the domestic enquiry report reveals that the rider of the two wheeler had made an attempt to overtake the bus on the right side, lost his balance and dashed against front right side of the bus and fallen down, sustained injuries and later passed away. The manner of accident clearly indicates that the accident has taken place due to the negligence on the part of the rider of the two wheeler. This fact has also been recorded in the domestic enquiry report and the only ground on which the Enquiry Officer has found that the charges as against the workman have been proved is that the driver ought to have been more careful.

8. The manner of accident would clearly indicate that there was no rashness or negligence on the part of the driver of the vehicle and in such circumstances, the enquiry report is clearly perverse. The Labour Court has found that the enquiry report is perverse and bereft of details and therefore, it is perverse. In such circumstances, the Labour Court has rightly set aside the



W.P.(MD).No.8909 of 2021

WEB COPY

punishment imposed by the Transport Corporation and there is no ground made out to interfere in the Writ Petition.

9. Accordingly, this Writ Petition stands dismissed. The petitioner Management is directed to release the monetary benefits within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

13.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Labour Court,
Tirunelveli District.
2. The General Secretary,
Nellai District Transport Employees
Union (CITU),
In front of the head – office of the
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Vannarpettai, Tirunelveli – 627 003.

5/6



WEB COPY



W.P.(MD).No.8909 of 2021

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.8909 of 2021

13.08.2025