



WP(MD)No.7994 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.7994 of 2022 and
WMP(MD)No.5984 of 2022**

The Management,
Tamil Nadu State Transport Corporation,
Virudhunagar Region, Madurai Road,
Virudhunagar.

...Petitioner

Vs

General Secretary,
Arasu Pookuvarathu Madurai Thozhilalar Sangam,
Virudhunagar CITU,
V.P.Chithan Ninaivagam,
6/662, Lakshmi Nagar,
Madurai Road, Virudhunagar.

...Respondents

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 dated 20.09.2021 passed by the Labour Court, Madurai in ID.No.102 of 2017 as illegal and quash the same.

For Petitioner : Mr.Senthil Kumaraiah J.

For Respondent : Mr.S.Arunachalam,



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ORDER

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The management of Tamil Nadu State Transport Corporation has filed this writ petition as against the order dated 20.09.2021 passed by the Labour Court, Madurai in ID.No.102 of 2017.

2.The trade union has raised the above industrial dispute as against the punishment imposed on a Driver / member of the respondent trade union, who had caused a fatal accident on 17.07.2012. One M.S.Pandiyaraja, Driver of the petitioner management was on duty on 17.07.2012 around 10.00 pm on Madurai to Rajapalaym in the bus bearing Registration No.TN 67 N 660 and at time he had dashed against a 65 years old woman, who had crossed the road from left to right and she died on the spot. A criminal case was also registered as against the said driver and it was closed as mistake of fact. In the meantime departmental proceedings was initiated as against the said driver and he was imposed with punishment of 2 years increment cut, as against which the trade union has raised industrial dispute before the Labour Court and the Labour Court has allowed the industrial dispute and set aside the order of punishment by observing as under:



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“14.On scrutinising the records and the documents exhibited on the side of the respondent / corporation side it is clearly shows that the deceased person is mentally ill and fugitive person. Therefore, this court holds that the accident occurred due to the negligence of lunatic deceased person and on seeing the sudden crossing of the lady, even the driver of the bus was applied brake immediately the accident would not be avoided. Considering the above this court comes to a conclusion that the driver of the bus is not responsible for the accident.”

3.When this court has verified with regard to the first information report registered for the accident occurred on 17.07.2012, neither the petitioner management nor the 2nd respondent union has collected the first information report and the final report, which were relied on by the Labour Court.

4.The Labour Court has also recorded the first information report as under:

“ Ex.M.4. 25.09.2012 Accident First Information Report – Copy

Ex.M5. 18.07.2012 First Information Report – Copy”



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5.The fact remains that the so called final report has not been marked before the Labour Court and the Labour Court has also come to a conclusion of setting aside the order of punishment.

6.Considering the manner in which the case has been conducted before the Labour Court and also the manner in which the Labour Court has passed the award, this court sets aside the impugned order and remands back the matter to the Labour Court for fresh consideration.

7.It is open to the parties to adduce evidence and place the final report, if any, filed in the criminal case registered against the said driver. This writ petition is allowed. No costs. Consequently connected miscellaneous petitions are closed.

17.11.2025

DSK

To
The Presiding Officer,
Labour Court,
Madurai.



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B.PUGALENDHI.J.,

DSK

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