



WP.(MD)Nos.8138 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.10.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)Nos.8138 of 2022
and
WMP.(MD)Nos.6063 of 2022

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

... Petitioner

Vs.

General Secretary,
Arasu Pokkuvarathu
Madurai Thozhilalar Sangam,
Virudhunagar CITU
V.P.ChithanNinaivagam,
6/662, Lakshmi Nagar,
Madurai Road,
Virudhunagar.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for



WP.(MD)Nos.8138 of 2022

the records relating to the impugned order dated 06.09.2021 passed by the Labour Court, Madurai in ID.No.35 of 2017 and quash the same as illegal.

For Petitioner : Mr.J.Senthil Kumariah

For Respondent : Mr.S.Arunachalam

ORDER

The Management of Tamil Nadu State Transport Corporation, Virudhunagar Region, has filed this writ petition as against the award dated 06.09.2021 passed by the Labour Court, Madurai in the dispute raised by the respondent/Trade Union in ID.No.35 of 2017.

2.The above said industrial dispute was raised by the respondent/Trade Union as against the order of punishment imposed by the Management against its member one R.Krishnamoorthy, who is working as a Conductor in the



WP.(MD)Nos.8138 of 2022

petitioner/ Management. The petitioner/Management has imposed the punishment by issuing a charge memo that this Conductor, who was on duty, on 21.04.2014, in a bus bearing registration No.475 plying from Sathur to Pandhalkudi, has failed to warn a passenger, who has tried to curb the falling luggage near the front steps of the bus and he fell down and died. The legal heirs of the deceased have filed claim petition before the IV Additional District Court, Madurai in MCOP.No.575 of 2015, wherein the Transport Corporation has taken a stand that the passenger died due to his carelessness at the time of accident and they have also taken a stand that the Conductor was not responsible for the alleged accident. However, they have initiated disciplinary proceedings as against the Conductor and in conclusion they have imposed a punishment of stoppage of increment for a period of one year with cumulative effect. As against the order of punishment the respondent, on behalf of the Conductor, has raised an industrial dispute before the Labour Court and it has been allowed by award dated 06.09.2021.



Challenging the same, the Management of the Transport Corporation has filed the present writ petition.

3.This issue has already been decided by the Hon'ble Supreme Court in *Mahrashtra SRTC Vs Mahadeo Krishn Naik* reported in (2025) 4 SCC 321 as follows:

“ 30.The Corporation did not deliberately refer to the award of MACT at two different tiers, and thereby actively6 suppressed relevant material from a court of law. We do not propose to enter the arena of controversy as to whether the award of MACT is bidding the Labour Court. However, the Corporation could not have at any rate resiled form 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 proceedings.

32.Even if we keep the award of MACT aside, it is clear from the pleadings of the Corporation before the MACT and the Labourt Court that the Corporation has attempted to get the best of both worlds. The contradictory nature of the stances taken by the



WP.(MD)Nos.8138 of 2022

Corporation before the Labour Court and 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.

4.In this case also the petitioner management has taken a stand before the Motor Accident Claim Tribunal that the passenger died due to his carelessness and the Conductor was not responsible for the accident, but imposed a punishment for the alleged accident in the disciplinary proceedings. In view of the above decision of the Hon'ble Supreme Court, there is no reason to interfere with the award of the labour court. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

30.10.2025

NCC : Yes/No

Index : Yes/No

gns

To

The Labour Court, Madurai



WEB COPY



WP.(MD)Nos.8138 of 2022

B.PUGALENDHI,J

gns

WP.(MD)Nos.8138 of 2022

30.10.2025