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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.08.2025

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.6668 of 2022**  
**and**  
**W.M.P(MD)No.5158 of 2022**

The Management,  
Tamil Nadu State Transport Corporation, Tirunelveli Limited,  
Tirunelveli Division, Tirunelveli. ...Petitioner

Vs

General Secretary,  
Nellai Chidambaranar, Kanniyakumari District,  
The State Transport Employees Union,  
Registration No.468/Tee.Lee, 4C,  
Imperial Compound (1<sup>st</sup> Floor),  
Peratchi Amman Kovil Road, Washermenpettai,  
Tirunelveli - 3. ...Respondent

**PRAYER:** Writ Petition is 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 24.10.2019 in I.D. No.72 of 2018.

For Petitioner : Mr.R.Rajamohan  
For Respondent : Mr.K.Guhan

\* \* \* \* \*



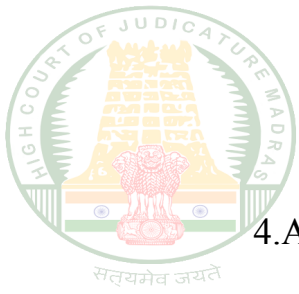
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**ORDER**

The present Writ Petition has been filed by the Management of the Tamil Nadu State Transport Corporation, Tirunelveli Region, challenging the award of the labour Court in I.D.No.72 of 2018, dated 24.10.2019, wherein the punishment imposed upon a Driver has been set aside.

2.One Mr.N.Murugan, who was working as a Driver in the petitioner Transport Corporation was issued with a charge memo on 08.04.2015, for being involved in a fatal accident. Not being satisfied with the explanation offered by the delinquent, a domestic enquiry was ordered. In the domestic enquiry, charges as against the delinquent were found to be proved. The delinquent was imposed with a punishment of postponement of increment for a period of three years with cumulative effect. Challenging the same, the workman had raised Industrial Dispute through the Trade Union.

3.The Labour Court after considering the documents filed on either side has proceeded to set aside the punishment. Challenging the same, the present Writ Petition has been filed by the Management.



4. According to the learned Counsel appearing for the petitioner Management, the accident has taken place only due to the rash and negligent on the part of the Driver. This could be established through the accident report under Ex.M1. An FIR was also registered as against the Driver. The Basic report also reveals that the accident has taken place only due to rash and negligent on the part of the Driver.

5. The learned Counsel appearing for the petitioner has further submitted that the charge memo was issued to the delinquent and the delinquent was offered full opportunity during domestic enquiry proceedings. Finally, considering the conduct of the delinquent, punishment of postponement of increment for the period of three years has been imposed. However, the labour Court has erroneously relied upon the counter filed by the Management in M.C.O.P.No.113 of 2015, and has proceeded to set aside the punishment. He has further submitted that the defence taken by the Management before the Motor Accident Claims Tribunal cannot be taken advantage by the workman.

6. Per contra, the learned Counsel appearing for the respondent workman has submitted that the Management has filed counter in M.C.O.P.No.113 of 2015, wherein they have taken a specific stand that the accident has taken place

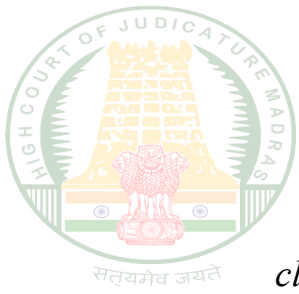


only due to the rash and negligent on the part of the rider of the two wheeler. In such circumstances, enquiry proceedings cannot be initiated as against the Driver of the transport Corporation alleging that he was negligent while driving the bus.

7.I have considered the submissions made on either side and perused the materials available on record.

8.As could be seen from Ex.W8, the transport Corporation has filed a counter in M.C.O.P.No.113 of 2015, wherein they have taken a specific stand that the rider of the two wheeler alone was responsible for the accident and the Driver of the transport Corporation was not negligent in driving the vehicle. The judgment of the Hon'ble Supreme Court reported in **2025 (4) SCC 321**, paragraph Nos.30 and 32, is extracted as follows:-

*“30.The Corporation did not deliberately refer to the award of MACT at two different tiers, and thereby actively 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 binding on the Labour Court. However, the Corporation could not have at any rate resiled from 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 proceeding.*



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

9. In view of the above said judgment of the Hon'ble Supreme Court, the labour Court has rightly set aside the punishment imposed by the transport Corporation. This Court does not find any reason to interfere in the said order.

10. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

**13.08.2025**  
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NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
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**R.VIJAYAKUMAR, J.**

RJR

To

The General Secretary,  
Nellai Chidambaranar, Kanniyakumari District,  
The State Transport Employees Union,  
Registration No.468/Tee.Lee, 4C,  
Imperial Compound (1<sup>st</sup> Floor),  
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