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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2025

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.11334 of 2019

and

W.M.P(MD)No.8641 of 2019

Santhanam,
General Secretary,
Tamil Nadu State Transport Corporation Staff Union,
Regd. No.357/Tirunelveli,
Vannarpetti, Tirunelveli. ...Petitioner

Vs

The Management,
Tamil Nadu State Transport Corporation (TNV) Limited,
Vannarpettai, Tirunelveli. ...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus** calling for the records pertains to the impugned award passed by the Labour Court, Tirunelveli, dated 19.04.2017, in I.D.No.68 of 2016, and quash the same as illegal and consequently direct the respondent management to disburse the amount withheld from the benefits of the driver 'Soosaiappan' within a time frame as fixed by this Court.

For Petitioner : M/s.S.Sukumar

For Respondent : Mr.R.Rajamohan

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ORDER

The Tamil Nadu State Transport Corporation Staff Union has filed the present writ petition challenging an award of the Labour Court, Tirunelveli, in I.D.No.68 of 2016, dated 19.04.2017.

2.One Mr.Soosaiappan, who was employed as a Driver in the respondent transport Corporation was issued with a charge memo on 17.11.2014, for being involved in a fatal accident and an FIR was also registered as against him. He has submitted an explanation on 29.11.2014. In the domestic enquiry, the charges as against him were found proved on 29.01.2015. A second show cause notice was issued to the workmen on 25.02.2015. The Management has imposed a punishment of postponement of increment for a period of three years with cumulative effect on 12.03.2015. The workman has attained superannuation on 31.12.2015. The order of punishment was challenged by the Union before the Labour Court.

3.The labour Court has found that the petitioner was about to retire on 31.12.2015, and therefore, the punishment of postponement of increment for a



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period of three years cannot be implemented. The labour Court has modified the punishment to that of one year increment cut with cumulative effect. This order is put to challenge by the Union.

4. According to the learned Counsel appearing for the writ petitioner, there is no negligence on the part of the workmen. The rider of the bicycle has suddenly turned on the right side and dashed against the side body of the bus. Therefore, there was no negligence on the part of the Driver of the transport Corporation Bus. In such circumstances, the Management as well as the Labour Court ought not to have arrived at a finding that there was negligence on the part of the workmen. Hence, he has prayed for setting aside the order of punishment imposed by the Labour Court.

5. Per contra, the learned Counsel appearing for the respondent Management has submitted that the Management as well as the Labour Court have arrived at a concurrent finding that the charges as against the petitioner have been proved. In such circumstances, considering the fact that the workman was about to retire, the labour Court has shown sympathy and has modified the punishment from three years increment cut to one year increment cut with



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cumulative effect. In such circumstances, the order of the labour Court may not be disturbed.

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

7.Immediately after the accident, a basic report has been prepared on 10.11.2014. As per the basic report, the side body of the bus has dashed against the bicycle and in the said accident, the rider of the bicycle had passed away. The workmen has been acquitted by the criminal Court on the ground of 'benefit of doubt', considering the fact that all the private witnesses have turned hostile. In the domestic enquiry, the charges as against the petitioner have been proved. The labour Court has found that the domestic enquiry has been conducted in a fair manner. In such circumstances, this Court is of the considered opinion that the charges as against the petitioner have been proved.

8.As far as the quantum of punishment is concerned, considering the fact that the petitioner has already attained superannuation, any order imposing punishment with cumulative effect is likely to affect his pensionary benefits.



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9. Considering the above said facts, punishment imposed by the labour Court is modified to the effect that there shall be postponement of increment for a period of one year without cumulative effect and it shall not affect the pensionary benefits of the workman. In case, if the punishment has already been implemented, the same shall be refunded to the workman within a period of 12(twelve) weeks from the date of receipt of a copy of this order. No costs.

10. With the above said observations, this Writ Petition stands Partly Allowed. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

07.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

To

The Management,
Tamil Nadu State Transport Corporation (TNV) Limited,
Vannarpettai,
Tirunelveli.

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and
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