



W.P(MD)No.14619 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2025

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14619 of 2019

and

W.M.P(MD)No.11064 of 2019

The Management through the
General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli Region,
Vannarpettai,
Tirunelveli.

... Petitioner

Vs.

The General Secretary,
Nellai Chidambaranar Kumari District
State Transport Corporation Employees Union
Reg.No.468/Tili
4C, Empriyal Compound (Up Stars)
Perachi Amman Kovil Road,
Vannarpettai,
Tirunelveli.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records from the learned Labour Court, Tirunelveli relating to the impugned award passed by it in I.D.No.69 of 2016, dated 18.01.2017 and quash the same and to grant such further or other orders as this Court.



W.P(MD)No.14619 of 2019

WEB COPY

For Petitioner : Mr.K.Sathiya Singh
For Respondent : Mr.K.Guhan

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, Tirunelveli in I.D.No.69 of 2016, dated 18.01.2017, wherein, the Labour Court had set aside the punishment imposed upon the driver of the Transport Corporation.

2. One Mr.Pandaram, who was working as a driver in the respondent Transport Corporation was issued with a charge memo on 07.04.2010 for being involved in a fatal accident. In the domestic enquiry proceedings, the charges as against the delinquent were found to be proved and a second show cause notice was issued to him on 27.05.2011. The delinquent has submitted his explanation on 07.05.2012. The Management has passed an order on 18.05.2012 imposing a punishment of postponement of increment for a period of one year with cumulative effect. Challenging the same, the delinquent had filed I.D.No.69 of 2016 before the Labour Court, Tirunelveli.

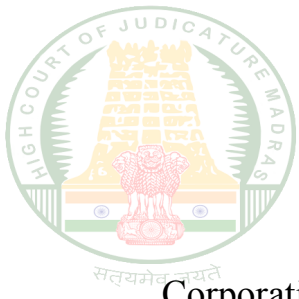


W.P(MD)No.14619 of 2019

WEB COPY

3. The Labour Court after considering Exhibit W.9, which is the counter filed by the Management in M.C.O.P.No.130 of 2011, has arrived at a finding that the Management cannot take a different stand and initiate disciplinary proceedings as against the driver. Based upon the said finding, the Labour Court was pleased to set aside the punishment imposed upon the delinquent. Challenging the same, the present writ petition has been filed by the Management.

4. The learned Counsel appearing for the petitioner submitted that due to the rash and negligent driving on the part of the delinquent, the accident has taken place, in which the two wheeler rider has passed away. The Management has to incur huge financial loss by way of payment of compensation to the family members of the deceased person. If the delinquent had driven the vehicle in a slow and steady manner, carefully, this accident could have been avoided. The Labour Court was not right in relying upon Exhibit W.9, which is the counter filed by the Management in the motor accident claims petition filed by the members of the deceased family. The stand taken by the Transport



W.P(MD)No.14619 of 2019

WEB COPY

Corporation before the MCOP Tribunal cannot be taken advantage of, by the delinquent driver.

5. Per contra, the learned Counsel appearing for the delinquent submitted that, in a similar matter, the Hon'ble Supreme Court in a judgment reported in **2025 (4) SCC 321 [Maharashtra State Road Transport Corporation Vs. Mahadeo Krishna Naik]** has held the Management cannot be permitted to take two different stands in the motor accident claims tribunal as well as in the domestic enquiry proceedings. He further pointed out that he had been acquitted from the criminal proceedings initiated for his alleged rash and negligent driving.

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

7. The counter filed by the Transport Corporation in M.C.O.P.No.130 of 2011 has been marked as Exhibit W.9. Paragraph No.2 of the said counter is extracted as follows:

"2.In fact, this accident happened because of the rash and negligent driving of the deceased Pandian. The



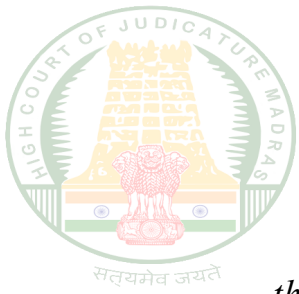
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respondent bus it is coming from Tuticorin-Tirunelveli keeping left side and following traffic rules and at that time the deceased driving his motor cycle from north to south and dashed against the back right side of the respondent's bus and invited the accident. This accident had happened purely negligence on the part of the deceased....."

8. The Hon'ble Supreme Court in a judgment reported in **2025 (4) SCC 321 [Maharashtra State Road Transport Corporation Vs. Mahadeo Krishna Naik]** in paragraph Nos.30 and 32 has held 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.

32. Even if we keep the award of MACT aside, it is clear from the pleadings of the Corporation before 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 MACT reeks of



W.P(MD)No.14619 of 2019

WEB COPY

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 relied upon the counter filed by the Transport Corporation in the motor accident claims tribunal and has proceeded to set aside the punishment imposed by the Management. Further, the Labour Court has also recorded that driver has been acquitted from the criminal proceedings. In such circumstances, this Court does not find any reason to interfere in the order passed by the Labour Court. The writ petition stands dismissed with a direction to the Transport Corporation to release the monetary benefits, within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

21.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



W.P(MD)No.14619 of 2019

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- To
- 1.The General Secretary,
Nellai Chidambaranar Kumari District
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 - 2.The Labour Court, Tirunelveli.



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W.P(MD)No.14619 of 2019

R.VIJAYAKUMAR, J.

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W.P(MD)No.14619 of 2019

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