



W.P.(MD)No.12678 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.12678 of 2022

G.Gnanasekaran,
Driver,
4-4-346, Water Tank Street, Thomas Colony,
Uthamapalayam Post & Taluk,
Theni District.

... Petitioner

versus

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye-pass Road,
Madurai – 16.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
Bye-pass Road,
Dindigul – 4.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorarified Mandamus, to call for the
records connected with the impugned order passed by the Labour Court,
Tiruchirappalli (Dindigul Camp Court) in Industrial Dispute No.34/2017



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dated 18.04.2022, quash the same and consequently direct the respondents to revoke the order of punishment of increment cut for 3 years with cumulative effect, to refund the amount of Rs.1000/- recovered from the petitioner towards damages to the Bus and also to re-credit the leave adjusted for 31 days for suspension period from 17.05.2011 to 16.06.2011 from the petitioner's own leave account with consequential monetary and service benefits.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.P.Balasubramanian

ORDER

This writ petition has been filed challenging the award passed by the Labour Court, Tiruchirappalli, in I.D.No.34 of 2017, dated 18.04.2022.

2. On 16.05.2011, the petitioner, a driver of the Transport Corporation, was on duty in a bus bearing Reg.No.TN 57N 1928 for the trip from Madurai to Kumuli route and when the bus was reaching near T.Kallupatti Government School at about 10.00 p.m., a lorry bearing Reg.No.TN 59S 0328 came from the opposite direction and dashed against the Bus, due to which, some of the passengers sustained injury and one passenger died on the spot. For the alleged accident, a departmental proceedings was initiated



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against the petitioner and thereafter, an order of punishment was passed on 29.02.2012 imposing stoppage of increment for a period of three years with cumulative effect and ordering for recovery of Rs.1000/- towards damages for the bus and treating the suspension period as leave period. Challenging the same, the petitioner has raised an industrial dispute before the Labour Court, Tiruchirappalli, in I.D.No.34 of 2017. However, the Labour Court, by order dated 1.04.2022, dismissed the industrial dispute in I.D.No.34 of 2017. Aggrieved over the same, the petitioner has preferred this writ petition.

3. The learned counsel appearing for the petitioner submitted that it is only due to the negligence on the part of the lorry driver, the accident had taken place. Therefore, the petitioner has lodged a complaint as against the lorry driver, based on which, a case in Crime No.160 of 2011 was registered against the lorry driver. Therefore, according to him, the petitioner was not responsible for the said accident. He further submitted that in the alleged accident, one passenger died on the spot and some of the passengers sustained injury. He further submitted that none of the passenger was examined to prove the cause of accident. However, the Management has proceeded with the disciplinary proceedings and passed the order of punishment as against the petitioner.



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4. The learned counsel for the respondent submits that it is due to the rash and negligent driving of the bus by the petitioner, the accident had occurred, for which, he was issued with a charge memo dated 20.05.2011. However, he has not submitted his explanation to the said charge memo. During the enquiry, the petitioner was also provided an opportunity of cross examining the management's witness and to produce his evidence. After conducting the enquiry, the enquiry officer has submitted his report holding that the charges are proved. Based on the enquiry report, a second show cause notice was also issued to the petitioner. However, he has not submitted his explanation to the second show cause notice. Only thereafter, the order of punishment was passed as against the petitioner.

5. This Court has considered the rival submissions made and perused the materials placed on record.

6. The respondent Transport Corporation has initiated disciplinary proceedings against the petitioner on the charge of rash and negligent driving leading to an accident on 16.05.2011. It is not disputed that the petitioner was driving the bus at the time of the accident. A reading of the



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materials reveals that an FIR in Crime No. 160 of 2011 dated 17.05.2011 was registered by the Uthamapalayam PS for the offences under Sections 279, 304 (A) and 337 of the IPC against one Ramasamy who was the lorry driver involved in the accident. This FIR was registered based on the written complaint made by the petitioner. However, no criminal action has been initiated as against the petitioner with regard to the above accident. Moreover, it is also pertinent to note that the Management has taken a stand that in the claim petition before the Motor Accidents Claims Tribunal that the petitioner was not responsible for the accident and therefore, the Management is not liable to pay compensation as the lorry driver was responsible for the accident. No doubt, disciplinary proceedings are conducted as per preponderance of probabilities and the strict rules of evidence need not be followed. However, the disciplinary authority is required to consider all the relevant circumstances before arriving at a decision and cannot take decisions based on surmises or conjectures. The registration of FIR as against the lorry driver alone and the contradictory stand taken by the Management in the claim petitions are certainly relevant circumstances which have a bearing on whether the petitioner was driving in a rash and negligent manner. Hence, these facts ought to have been considered by the enquiry officer during the disciplinary proceedings.



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However, the Management, on the basis of the accident report prepared by the Assistant Engineer alone, has passed the punishment order as against the petitioner. Therefore, this Court is of the view that the order of punishment needs to be interfered with.

7. Accordingly, this writ petition is allowed and the order of the Labour Court, Tiruchirappalli (Dindigul Camp Court), passed in Industrial Dispute No.34 of 2017, dated 18.04.2022, is hereby set aside. No costs.

22.10.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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B.PUGALENDHI,J.

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