



WP(MD)No.14586 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.14586 of 2022 and
WMP(MD)No.10410 of 2022**

The Management,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd, Karaikudi Region,
Marthupathi, Karaikudi,
Sivagangai District. ...Petitioner

Vs

General Secretary
Tamil Nadu State Transport Thozhilalar Union,
CITU 33, Nethaji Street,
Soodamanipuram, Karaikudi. ...Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorari to the award passed by the Labour Court, Madurai dated 22.09.2021 in ID No.74 of 2017, calling for the records and quash the same.

For Petitioner : Mr.P.Balasubramanian
For Respondent : Mr.S.Arunachalam

ORDER

The transport corporation has filed this writ petition as against the award passed by the Labour Court, Madurai in ID No.74 of 2017, dated 22.09.2021.



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2. An industrial dispute was raised by the respondent union as against the order of punishment imposed on one Vetrivel, Driver of the petitioner transport corporation and the member of respondent union that he caused a fatal accident due to his rash and negligent driving. On 19.01.2011 while he was on a trip from Rameshwaram to Madurai in a bus bearing registration No. TN 63 N 1116, he caused an accident on 19.01.2011 around 6.50 pm. In that accident one Soosai, a pedestrian, who had crossed the road suffered injuries and succumbed to injuries. Therefore, a criminal case was registered in Crime No.7 of 2011 on the file of the Thangachimadam Police Station. However, this criminal case was dropped by the Inspector of Police, Thangachimadam that the deceased was mentally ill and he suddenly crossed the road. However, the management initiated disciplinary proceedings as against the Driver Vetrivel based on the FIR registered in Crime No.7 of 2011 and also imposed punishment of stoppage of increment for a period of three years with cumulative effect. As against this order of punishment imposed by the management, the respondent union raised the industrial dispute before the Labour Court, Madurai under Section 2(k) of the Industrial Disputes Act. The Labour Court considered the evidence and set aside



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the order of punishment. Aggrieved over the same, the management filed this writ petition.

3.The learned standing counsel for the management submits that the said Driver has settled a sum of Rs.35,000/- to the deceased family and therefore, the criminal case was not prosecuted. He further submits that the Driver is the cause for the fatal accident and therefore, disciplinary proceedings were initiated and in conclusion, punishment was imposed. The Driver marked a copy of the undertaking letter of the complainant in Crime No.7 of 2011 that he received a sum of Rs.35,000/- and he is not inclined to prosecute the complaint. This conduct of the Driver that he himself negotiated with the complainant and tried to solve the issue, by itself would not absolve the offence committed by the Driver and therefore, the department rightly initiated disciplinary proceedings and also awarded punishment.

4.The learned counsel for the trade union submits that the management initiated the disciplinary proceedings based on the First Information Report in Crime No.7 of 2011, which was registered based on



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the complaint of the brother of the deceased and the very case in Crime No.7 of 2011 was dropped considering that the deceased was mentally ill.

The learned counsel by referring to the settlement under Section 12(3) of the ID Act submits that even if the employee is found guilty of the charge during the domestic enquiry based on the criminal case and subsequently if the criminal case ends in acquittal, the decision of the disciplinary authority needs to be revised. However the management initiated the disciplinary proceedings as against the workman based on the criminal case in Crime No.7 of 2011, which was subsequently dropped and also imposed punishment of stoppage of increment. Therefore, the Labour Court has rightly interfered with the orders of the punishment and has set aside the same and therefore, there is no reason to interfere with the findings of the Labour Court.

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

6.The industrial dispute is arising out of the punishment imposed as against one Driver Vetrival on account of rash and negligent driving.



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Disciplinary proceedings were initiated as against the Driver based on the criminal case registered as against him in Crime No.7 of 2011 on the file of the Thangachimadam police station. As rightly pointed out by the learned counsel for the respondent union, the criminal case in Crime No.7 of 2011 based on which the disciplinary proceedings were initiated, itself was dropped, that the pedestrian/ deceased, who suffered injury in the accident was mentally ill. Apart from that during the evidence, the Assistant Engineer of the transport corporation has also stated that the deceased was mentally ill. While so, in all fairness, the management ought to have dropped the disciplinary proceedings with the available materials. However, the management has proceeded with the disciplinary proceedings as against the Driver based on the criminal case, which itself was dropped subsequently and imposed punishment of stoppage of increment for a period of three years with cumulative effect. The Labour Court has rightly interfered with and set aside the order of punishment.

7. Though the learned counsel for the petitioner management has attempted to justify by referring to the letter marked on behalf of the



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workman that a sum of Rs.35,000/- was paid to the defacto complainant and therefore, he has not prosecuted the case, the fact remains that no claim petition has been filed before motor accidents claims tribunal by the deceased family. Further it is also relevant to refer to class 61 of the 12(3) settlement which reads under:

“61. Where a driver involved in an accident and held guilty of charge in domestic enquiry, subsequently honourably acquitted in the criminal case, the decision in the disciplinary case on the same charge may be revised based on the orders of the court. However, if the acquittal is by benefit of doubt, no such revision is necessary.”

8.Considering that the criminal case registered in Crime No.7 of 2011 was dropped, disciplinary proceedings were initiated and punishment was imposed and even after the findings of the Labour Court, the management has filed this writ petition, this court is of the view that the writ petition is liable to be dismissed with cost. Accordingly this writ petition is dismissed with a cost of Rs.10,000/- (Rs.Ten Thousand) and this cost is imposed on the attitude of the management in filing this type of writ petition, even though the criminal case was dropped by the police. This cost amount shall be paid by the petitioner management to the Legal



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Services Authority, Madurai Bench of Madras High Court, Madurai,
within a period of four weeks from the date of receipt of a copy of this
order. Consequently connected miscellaneous petition is closed.

24.10.2025

DSK

To

1.The Presiding Officer,
Labour Court, Madurai.

2.The General Secretary
Tamil Nadu State Transport Thozhilalar Union,
CITU 33, Nethaji Street,
Soodamanipuram, Karaikudi.

3.The Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI.J.,

DSK

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