



WP(MD). No.15330 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.10.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.15330 of 2022
and
WMP(MD)No.10972 of 2022

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai.

... Petitioner

versus

The General Secretary,
Arasu Pokkuvarathu,
Madurai Thozhilalar Sangam,
Regd. No.157/MDU CITU,
V.P.Chinthan Ninaivagam,
VOC II Street, Arul Nagar,
By-pass Road, Madurai – 625 016.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order dated 04.08.2021 passed by the Labour Court, Madurai, in I.D.No.60 of 2015 as illegal and quash the same.

For Petitioner : Mr.J.Senthil Kumaraiah



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For Respondent : Mr.S.Arunachalam,
Legal Aid Counsel

ORDER

The Management of the Tamil Nadu State Transport Corporation (Madurai) Ltd. has preferred this writ petition as against the award passed by the Labour Court, Madurai, in I.D.No.60 of 2015 dated 04.08.2021. The Industrial Dispute was raised by the respondent Union on behalf of a Conductor G.Palanikumar, who suffered punishment of stoppage of increment for one year with cumulative effect.

2. On 17.12.2011, the Conductor G.Palanikumar was on a duty in a Bus bearing Reg.No.TYN 45 N 3337, proceeding from Madurai to Rameswaram and while the bus was proceeding near Mandapam Camp bus stand, one passenger, who got down from the bus in the front footboard, fell down and he died on the spot. Therefore, a disciplinary proceedings was initiated as against the Conductor and Driver of the bus. After conducting an enquiry, the Conductor was imposed with a punishment of stoppage of increment for one year with cumulative effect



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and to treat the suspension period from 20.12.2011 to 18.01.2012 as earned leave dated 31.07.2013. As against the order of punishment imposed by the disciplinary authority, the respondent Union has raised an industrial dispute before the Conciliation Officer and on failure of conciliation, the industrial dispute was raised before the Labour Court, Madurai, in I.D.No.60 of 2015. The Labour Court, Madurai, by its award dated 04.08.2021, set aside the order of punishment that the charges against the Conductor were not proved in the domestic enquiry and none of the passengers were examined. Challenging the same, the present writ petition has been filed.

3. The learned Standing Counsel for the petitioner Transport Corporation submits that the delinquent officer, a Conductor, was in-charge of the bus bearing Reg.No.TYN 45 N 3337. A passenger, who got down from the bus in a bus stop, found that he missed his child's footwear inside the bus and therefore, he again entered into the bus and searched for his child's footwear and even before he got down from the bus, the Conductor gave signal to the driver to move the bus and thereafter, the vehicle was moved and in that process, the passenger fell



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down from the front footboard and succumbed to the injuries. Therefore, according to the learned counsel, there was negligence on the part of the Conductor. He further submits that the disciplinary proceedings was initiated not only against the Conductor and also against the Driver. He further submits that the punishment imposed by the disciplinary authority is also a minimum punishment, considering the relevant factor that there was some negligence on the part of the passenger also.

4. The learned counsel for the respondent Union submits that it is not the fault of the Conductor and it is the passenger, who boarded the vehicle, travelled in the footboard and fell down from the front footboard. The Conductor, who was sitting near the back door of the bus, was not aware of the passenger travelling in the footboard. Therefore, according to the learned counsel, for the negligence on the part of the passenger, the Conductor cannot be fastened with the order of punishment. The learned counsel has also referred to the observation of the enquiry officer that there is negligence on the part of the passenger.

5. This Court considered the rival submissions made.



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6. Admittedly, a passenger, who travelled in the Transport Corporation Bus, fell down from the front footboard. The disciplinary authority has given a finding that there is negligence on the part of the Conductor as well as on the passenger. The Management claims that apart from the Conductor, they have conducted enquiry as against the Driver and also imposed punishment. Though the disciplinary authority observed that there is negligence on the part of the passenger, who succumbed to the injuries, a responsibility is cast upon on the Conductor as well as the Driver of the Transport Corporation, who have to ensure that all the passengers boarded the bus and not travelled in the footboards.

7. No doubt, the Transport Corporation has not examined any one of the passengers. It is also very difficult to summon any one of the passengers, who travelled in the bus, to substantiate the accident. The fact remains that a criminal case was also registered as against the Conductor and Driver of the Transport Corporation for the alleged incident. Since the disciplinary authority has observed that there is



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negligence on the part of the passenger, this Court is inclined to modify the order of punishment.

8. Accordingly, this writ petition is partly allowed, modifying the order of punishment to that of stoppage of increment for one year without cumulative effect. No costs. Consequently, connected miscellaneous petition is closed.

9. The High Court Legal Services Committee shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the learned counsel Mr.S.Arunachalam, who was appointed as Legal Aid Counsel.

17.10.2025

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.



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1. The Chairperson,
High Court Legal Services Committee,
Madurai Bench of Madras High Court,
Madurai.
2. The General Secretary,
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