



W.P.(MD)No.18473 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.18473 of 2025

and

W.M.P(MD)No.14173 of 2025

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Region,
Tirunelveli.

... Petitioner

Vs.

The General Secretary,
Nellai District Transport Labour Association (CITU),
Opposite to Tamil Nadu State Transport Corporation Head Office,
Vannarpettai,
Tirunelveli-3.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned award passed by the Hon'ble Labour Court, Tirunelveli in O.P.I.D.No.84 of 2022 dated 13.06.2023 and quash the same.



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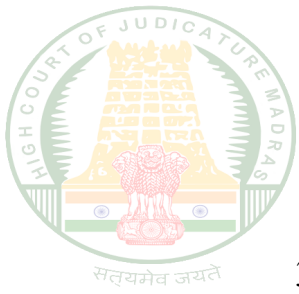
For Petitioner : Mr.K.Ramaiah

For Respondent : Mr.A.Rahul

ORDER

The Management of Tamil Nadu State Transport Corporation, Tirunelveli Region has filed the present writ petition challenging the Award of the Labour Court dated 13.06.2023 in O.P.I.D.No.84 of 2022.

2. One Mr.R.Kannan, who was working as a driver in the petitioner transport corporation was issued with a charge memo on 09.07.2018 for being involved in an accident. He had submitted his explanation on 14.08.2018. Not being satisfied with the explanation, a domestic enquiry was ordered and a report came to be filed on 08.06.2019 finding that the charges stood proved. The petitioner was issued with a second show cause notice and he submitted his explanation on 18.06.2019. A final order was passed by the management on 19.06.2019 imposing punishment of two years increment cut with cumulative effect. Challenging the same, the petitioner raised an Industrial Dispute through his union under Section 2(K) of the Industrial Dispute Act, 1947.



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3. The Labour Court, Tirunelveli after considering the oral and documentary evidence arrived at a finding that the charges as against the workmen have not been proved.

4. The Labour Court, Tirunelveli further found that there was no damage either to the auto or to the bus belonging to the transport corporation and therefore, the management has failed to prove the charges as against the petitioner. It is further found that the finding of the enquiry officer is perverse and proceeded to set aside the punishment imposed by the management. Challenging the same, the present writ petition has been filed by the Management of Tamil Nadu State Transport Corporation, Tirunelveli Region.

5. According to the learned counsel appearing for the petitioner/management, the petitioner was driving the bus at the relevant point of time and he had dashed against the autorickshaw on its rear side and because of the same, the auto got capsized and the driver and the passengers had sustained minor injuries and they had filed Motor Accident Claims Original Petition.

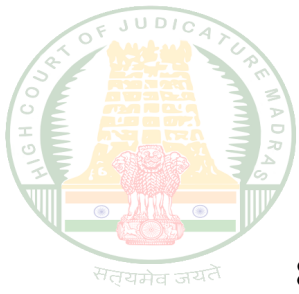


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6. That apart, the Assistant Manager of the Transport Corporation has been examined during the domestic enquiry and he has specifically pointed out that the accident has taken place due to the rash and negligent driving on the part of the driver. In such circumstances, the punishment imposed by the Management ought not to have been set aside by the Labour Court, Tirunelveli.

7. Per contra, the learned counsel appearing for the workmen submitted that the Assistant Manager of the Transport Corporation has admitted during cross-examination that he had not noted any damage either to the auto or to the bus in his basic report. Therefore, according to the learned counsel appearing for the workmen, the accident has taken place only because of the fact that the driver of the auto got over frightened by the horn of another bus. In such circumstances, the Labour Court, Tirunelveli has rightly set aside the punishment.



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8. Heard both side and perused the materials available on record.

9. The workmen was issued with a charge memo alleging that he had dashed against the rear side of the auto which resulted in capsizing of the same. In the said accident, the driver and the passenger in the auto are said to have sustained minor injuries. A perusal of the basic report filed by the Assistant Manager of the Transport Corporation reveal that the bus has dashed against the rear side of the auto. However, when the Assistant Manager of the Transport Corporation was cross-examined during domestic enquiry, he had admitted that in his basic report he has not noted down the damages sustained either to the autorickshaw or to the bus.

10. The Labour Court, Tirunelveli has appreciated this fact and arrived at a finding that when there is no damage either to the autorickshaw or to the bus, the charges as against the petitioner that he had dashed against the autorickshaw stood disproved. Therefore, the finding of the enquiry officer is perverse.



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11. On the above said conclusion, the Labour Court, Tirunelveli proceeded to set aside the punishment imposed by the management.

This Court is of the considered opinion that when the management is not able to establish the damage caused to the autorickshaw or to the bus belonging to the transport corporation, the charges as against the workmen have not been established. Therefore, the punishment imposed by the management has rightly been set aside by the Labour Court, Tirunelveli.

12. In view of the said deliberations, there are no merits in the writ petition. Accordingly, the writ petition stands dismissed with a direction to the petitioner/Management of Tamil Nadu State 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. No costs. Consequently, connected miscellaneous petition is closed.

04.08.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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To

The General Secretary,
Nellai District Transport Labour Association (CITU),
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R.VIJAYAKUMAR, J.

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