



W.P(MD)No.17744 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.17744 of 2025
and
W.M.P(MD)No.13558 of 2025

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

... Petitioner

Vs.

General Secretary,
Nellai Chidambaranar, Kumari District
State Transport Employees Union,
Registration No.468/tvl,
4C, Imperial Compound (upstairs),
Peratchiamman Kovil Road,
Vannarpettai,
Tirunelveli-3
For P.Chellaiah, Employees,
EDP No.12553.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for all records relating to the award of the Labour Court (FAC), Tirunelveli in I.D.No.62/2018, dated



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26.09.2022 and quash the same and pass such further or other orders as this Court.

For Petitioner : Mr.D.Jebaraj

For Respondent : Mr.K.Guhan

ORDER

The present writ petition has been filed by the Management of Tamil Nadu State Transport Corporation, Tirunelveli Region challenging the award passed by the Labour Court, Tirunelveli in I.D.No.62 of 2018, wherein, the punishment imposed by the Management has been set aside.

2. One Mr.P.Chellaiah, who was working as a Driver in the petitioner Transport Corporation was issued with a charge memo on 09.02.2012 on the allegation that he had caused accident on 03.02.2012 which had resulted in the death of two persons. As per the charge memo, the accident has taken place only due to the rash and negligent driving on the part of the delinquent driver. The delinquent has submitted his explanation on 09.05.2012. Not being



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satisfied with the explanation, a domestic enquiry was ordered. In the domestic enquiry, the charges as against the delinquent was declared to be proved. A second show cause notice was issued to the delinquent on 20.12.2013. The delinquent has submitted his explanation on 16.05.2014. Thereafter, orders have been passed by the Management on 29.05.2014 imposing a punishment of extending the daily wage period for six months and treating the suspension period as leave period. This order was put to challenge by the delinquent driver before the Labour Court, Tirunelveli in I.D.No.62 of 2018. The Labour Court was pleased to set aside the order of punishment imposed by the Management and allowed the petition. Challenging the same, the present writ petition has been filed by the Management.

3. According to the learned Counsel appearing for the writ petitioner, the accident has taken place only due to the rash and negligent driving on the part of the delinquent. The Management has incurred huge financial loss due to the payment of compensation in the Motor Accident Claims Tribunal to the family of the deceased persons. He further submitted that the enquiry has been conducted in a fair manner after giving due opportunity to the delinquent. The



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Labour Court has not properly appreciated the documents filed on the side of the Management and it has proceeded to set aside the order of punishment.

4. Per contra, the learned Counsel appearing for the respondent submitted that the family members of the deceased person have filed M.C.O.P.No.573 of 2012 before the Principal District Judge, Tirunelveli. The Management has filed a counter to the effect that the accident has taken place only due to the rash and negligent driving on the part of the rider of the two wheeler. Therefore, in such circumstances, the Management cannot turn around and take a different stand in the domestic enquiry proceedings. He therefore prayed for sustaining the order passed by the Labour Court.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. The counter filed by the Transport Corporation in M.C.O.P.No.573 of 2012 has been marked as Exhibit W.10 before the Labour Court. Paragraph No. 2 of the said counter is extracted as follows:



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"2. This respondent submits that the way of accident narrated in para 1 of the petition are all false and incorrect. In fact this accident happened because of the rash and negligent driving of the deceased who has driven his vehicle from opposite direction rashly and negligently and dashed against the respondent vehicle which is coming from opposite direction and invited the accident. This fact can be proved from the plan submitted by the police before the Criminal Court. This respondent's driver driven the vehicle slowly and carefully after following the traffic rules and stopped the bus on the left side of the road after seeing the motor cycle which was driven by the deceased rashly and negligently....."

7. 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



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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 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."

8. In view of the judgment of the Hon'ble Supreme Court, it is clear that the Management cannot take a different stand before the Labour Court and contend that the accident has taken place only due to the rash and negligent driving on the part of the driver. The Labour Court has properly appreciated the above said fact and has proceeded to set aside the punishment imposed by the Transport Corporation. No grounds have been made out to interfere in the award of the Labour Court. The writ petition stands dismissed. There shall be



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no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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

To

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- 2.The General Secretary,
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R.VIJAYAKUMAR, J.

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