

WP(MD)No.16941 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.16941 of 2025 and
WMP(MD)No.12844 of 2025**

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

...Petitioner

Vs

General Secretary,
Nellai Chidambaranar, Kumari District,
State Transport Employees Union,
Registration No.468 /Tvl
4C, Imperial Compound (upstairs),
Peratchiamman Kovil Road,
Vannarapettai, Tirunelveli – 3,
For R.Ambi Ganapathy, Employee,
EDP No.8969.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for all records relating to the award of the Labour Court (FAC), Tirunelveli in ID.No.3 of 2018, dated 22.09.2022 and quash the same.

For Petitioner : Mr.D.Jebaraj
For Respondent : Mr.K.Guhan



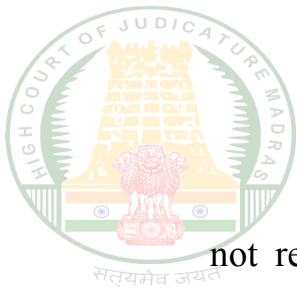
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ORDER

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The Management of Tamil Nadu State Transport Corporation, Tirunelveli Region, has filed this writ petition as against the award dated 22.09.2022 passed by the Labour Court, Tirunelveli in the dispute raised by the respondent under Section 17(2) of the Industrial Disputes Act in ID.No.3 of 2018.

2.The 2nd respondent is working as a Driver under the petitioner management. While the 2nd respondent was driving the bus bearing Registration No.TN 72 N 1692 in Tirunelveli junction to Santhinagar route around 6.30pm, he is said to have applied the brake suddenly and on account of the same, the Conductor of the bus, who was standing near the entrance of the bus was thrown out of the bus, sustained injuries and succumbed to injuries. The legal heirs of the deceased Conductor have filed claim petition before the Special Sub Court, Tirunelveli in MCOP.No. 1055 of 2015, wherein the transport corporation has taken a stand that the Conductor died due to his carelessness at the time of accident and they have also taken a stand that the respondent Driver was



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not responsible for the alleged accident. However, they have initiated disciplinary proceedings as against the Driver and in conclusion they have imposed a punishment of stoppage of increment for a period of three years. As against the order of punishment the respondent has raised an industrial dispute before the Labour Court and it has been allowed by award dated 22.09.2022.

3.This issue has already been decided by the Hon'ble Supreme Court in Maharashtra SRTC Vs Mahadeo Krishn Naik reported in (2025) 4 SCC 321 as follows:

“ 30.The Corporation did not deliberately refer to the award of MACT at two different tiers, and thereby actively6 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 bidding the Labour Court. However, the Corporation could not have at any rate resiled from what it 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 proceedings.



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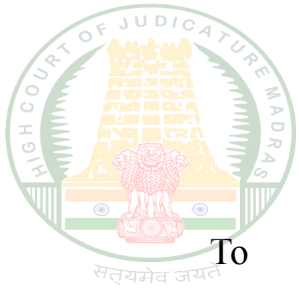
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32. Even if we keep the award of MACT aside, it is clear from the pleadings of the Corporation before the MACT and the Labour Court that the Corporation has attempted to get the best of both worlds. The contradictory nature of the stances taken by 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.

4. In this case also the petitioner management has taken a stand that the Conductor deceased died due to his carelessness and the respondent driver was not responsible for the accident, but imposed a punishment for the alleged accident. In view of the above decision of the Hon'ble Supreme Court, there is no reason to interfere with the award of the labour court. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

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Index : Yes / No
DSK



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1.The Presiding Officer,
Labour Court, Tirunelveli.

2.General Secretary,
Nellai Chidambaranar, Kumari District,
State Transport Employees Union,
Registration No.468 /Tvl
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B.PUGALENDHI.J.,

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