



WP.(MD)No.17588 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.10.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.17588 of 2022

The General Secretary
Nellai, Chidambaranar, Kmari Districts
State Transport Employees Union
Reg.No.468/Tili,
4-C, Imperial Compound (Upstairs)
Peratchi Amman Kovil Road
Vannarpet, Tirunelveli.

... Petitioner

Vs.

1.The Labour Court,
Tirunelveli.

2.The Management
Tamil Nadu State Transport Corporation (Tirunelveli)Ltd.,
Tirunelveli Region, Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records in relating to the impugned order passed in I.D.No.23 of 2019 dated 30.12.2021 and quash the



WP.(MD)No.17588 of 2022

same and consequently, direct the second respondent Corporation to give all service benefits and other consequential other attendant benefits as per law to the petitioner.

For Petitioner : Mr.K.Guhan

For R2 : Mr.D.Jebaraj

ORDER

The petitioner/Trade Union has preferred this writ petition as against the award passed in I.D.No.23 of 2019 dated 30.12.2021.

2.The above said industrial dispute was raised by the petitioner/Trade Union as against the order of punishment imposed by the Management against a member of the Trade Union,who is working as Driver. On 15.08.2014, while he was on duty, one Bajaj Pulsar two wheeler dashed against the right side of the bus and caused some damages. Therefore, a criminal case was registered and disciplinary proceedings was also initiated by the



WP.(MD)No.17588 of 2022

Management as against the Driver. In conclusion of the disciplinary proceedings, punishment of stoppage of increment for a period of three years with cumulative effect was imposed by the Management. As against the order of punishment, the petitioner/ Trade Union has raised the above said industrial dispute before the Labour Court, Tirunelveli in ID.No.23 of 2019 and the same was dismissed. Aggrieved by the same, the petitioner/Trade Union has preferred this writ petition.

3.The learned counsel appearing for the petitioner/Trade Union submits that the criminal case, which was registered for the accident, was ended in acquittal and the second respondent / Management itself has taken a stand before the Motor Accident Claim Tribunal in MCOP.No.423 of 2014 that there was no fault on the part of the Driver. While so, order of punishment imposed by the Management as against the Driver is not proper and the Labour Court has also erroneously confirmed the same.



4.This issue has already been decided by the Hon'ble Supreme Court in *Mahrashtra 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.

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



WEB COPY



WP.(MD)No.17588 of 2022

to Mahadeo if the Corporation is allowed to reverse its stance to suit its own interests."

5.In this case also the second respondent/Management has taken a stand that the Driver was not responsible for the accident, before the Motor Accident Claim Tribunal in MCOP.No.423 of 2014 but, imposed a punishment for the alleged accident in the disciplinary proceedings. In view of the above decision of the Hon'ble Supreme Court, the Management cannot take two different stands. Therefore, the impugned order passed by the Labour Court, Tirunelveli in I.D.No.23 of 2019 dated 30.12.2021 is hereby set aside. Accordingly, this writ petition is allowed. No costs.

24.10.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

To
The Labour Court,
Tirunelveli.



WEB COPY



WP.(MD)No.17588 of 2022

B.PUGALENDHIJ

gns

WP.(MD)No.17588 of 2022

24.10.2025