



W.P.(MD).No.18320 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18320 of 2025

and

W.M.P(MD) No.14040 of 2025

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

... Petitioner

Vs.

General Secretary,
Nellai Chidambaranar,
Kumari District,
State Transport Employees Union,
Registration No.468/Tvl,
4C, Imperial Compound (upstairs),
Peratchiamman Koil Road,
Vannarpettai, Tirunelveli – 3,
For G.Sivasubramanian,
Driver, Duty No. 7917.

... 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 order dated 06.02.2025 passed by the Labour Court, Tirunelveli in Industrial Dispute No.59 of 2023 and quash the same.



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W.P.(MD).No.18320 of 2025

For Petitioner : Mr.D.Jebaraj

For Respondent : Mr.K.Guhan

ORDER

The present Writ Petition has been filed by the Management of the Tamil Nadu State Transport Corporation, Tirunelveli Region, challenging the order passed by the Labour Court, Tirunelveli in I.D.No.59 of 2023, dated 06.02.2025.

2. One Mr.G.Sivasubramanian, who was employed as a Driver in the petitioner Transport Corporation was issued with a charge Memo on 10.10.2018, alleging that he was involved in an accident on the said date and had caused damages to the bus. The delinquent had submitted his explanation on 25.10.2018. During domestic enquiry, the charges as against the delinquent were found to be proved. A second show cause notice was issued to the delinquent on 24.12.2019. The delinquent has submitted his explanation on 23.01.2020. Not been satisfied with the explanation offered by the delinquent, the Management has proceeded to impose a punishment of postponement of increment for a period of one year with cumulative effect.



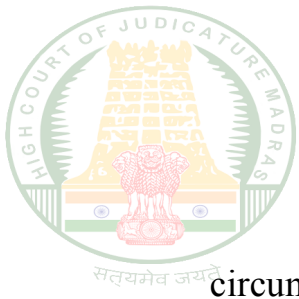
W.P.(MD).No.18320 of 2025

WEB COPY

Challenging the same, the delinquent has preferred an appeal before the Managing Director. The appellate authority was pleased to partly allow the appeal on 19.01.2021, reducing the punishment of postponement of increment for a period of nine months with cumulative effect. Challenging the same, the driver has preferred I.D.No.59 of 2023 before the Labour Court, Tirunelveli through Trade Union.

3. The Labour Court, after considering the submissions made on either side and perusing the records has arrived at a finding that the accident has taken place only due to the negligence on the part of the driver of the car, who had attempted to overtake the bus. Recording the said finding, the labour Court has proceeded to set aside the order of punishment. Challenging the same, the present Writ Petition has been filed by the Management.

4. According to the learned counsel appearing for the petitioner Transport Corporation, the delinquent had driven the vehicle in a rash and negligent manner and caused huge damage to the bus. In case, he had carefully and slowly driven the vehicle, he could have avoided the accident. The driver of the Car was driving on the right side of the bus. In such



W.P.(MD).No.18320 of 2025

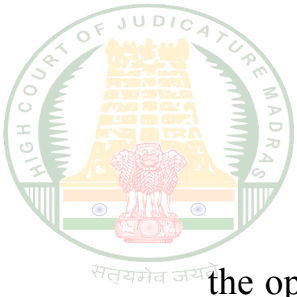
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circumstances, the driver of the bus should have moved to the left side of the road where there was ample space. In such circumstances, the Labour Court was not right in setting aside the order of punishment.

5. Per contra, the learned counsel appearing for the respondent/delinquent has submitted that the police authorities have registered an FIR as against the driver of the Car in Crime No.358 of 2018 on 10.10.2018. The driver of the Car had pleaded guilty. He further submitted that no motor accident claim proceedings were initiated for the damage sustained by the Car. He further submitted that the manner of accident would clearly reveal that the driver of the car was solely responsible for the accident. In such circumstances, the Management ought not to have imposed punishment upon the driver of the bus.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. A perusal of the charge Memo reveals that the Car proceeding behind the bus had attempted to overtake the bus and due to the vehicle coming from



W.P.(MD).No.18320 of 2025

WEB COPY

the opposite direction, the driver of the Car has turned the car to the left side and had dashed against the front left side of the bus and caused huge damage to the front side of the bus. Therefore, it is clear that Ex.W.9- FIR was registered as against the driver of the Car.

8. That apart, the owner of the Car has not filed any claim petition before the Motor Accident Claims Tribunal for the injury sustained by him or the damages caused to the Car. Without considering these facts, in the domestic enquiry, it has been held that the charges as against the delinquent have been proved. The labour Court has properly appreciated the above said facts and arrived at a finding that the charges as against the delinquent have not been proved and proceeded to set aside the punishment. There are no materials before this Court to take a different view and there are no merits in the Writ Petition.



W.P.(MD).No.18320 of 2025

WEB COPY

9. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

28.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Labour Court,
Tirunelveli.
2. The General Secretary,
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W.P.(MD).No.18320 of 2025

R.VIJAYAKUMAR,J.

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W.P(MD)No.18320 of 2025

28.08.2025