



WP.(MD)No.19316 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.10.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.19316 of 2022
and WMP.(MD)No.14093 of 2022

The Management,
Tamilnadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli Division, KTC Nagar,
Tirunelveli District.

... Petitioner

Vs.

H.Arun Kumar
Conductor, EDP No.9305
represented by
General Secretary,
Tamil Nadu State Transport Employees
Union Registration No.468/TL,
4C, Imperial Compound 1st Floor,
Peratchi Amman Koil Road, Vannarapettai,
Tirunelveli.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the award of the Labour Court, Tirunelveli made in ID.No.59 of 2017 dated 25.08.2020 and quash the same.



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For Petitioner : Mr.D.Jebaraj

For Respondent : Mr.K.Guhan

ORDER

The Management of the Transport Corporation has preferred this writ petition as against the award passed by the Labour Court, Tirunelveli in ID.No.59 of 2017 dated 25.08.2020.

2.The above said industrial dispute was raised by the respondent/Trade Union as against the order of punishment imposed by the Management against its member one Arun Kumar, who is working as a Conductor in the petitioner/Management. The petitioner/Management has imposed the punishment by issuing a charge memo that this Conductor, who was on duty in Route No.182N bearing Reg.No.TN-72-N-1069 flying from Tenkasi to Vallioor, has failed to stop the bus in a bus



stop, which resulted in a fatal accident. One passenger, namely K.Sivakumar, who was waiting in the bus stop at Thirumalaiyappapuram, has boarded in the moving bus from front side of the bus, fell down and succumbed to injuries. In fact, a criminal case was registered as against the Driver of the vehicle that he has caused the fatal accident and he was charged separately and punishment of stoppage of increment for two years with cumulative effect was imposed. The criminal case registered as against the Driver was ended in acquittal. However, he has not raised any industrial dispute as against the order of punishment. Similarly, disciplinary proceedings was initiated as against the Conductor and punishment of stoppage of increment for a period of two years with cumulative effect was imposed. Aggrieved by the same, this industrial dispute was raised by the Trade Union on behalf its member in ID.No.59 of 2017 and the same was allowed. Therefore, the petitioner/Management has preferred this writ petition.



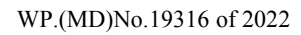
3.The learned counsel appearing for the petitioner/

Management submits that the accident has taken place at Thirumalaiyappapuram Bus Stand. The driver of the bus failed to stop the vehicle in the bus stand and the conductor of the bus has also not ensured that the bus was stopped in the bus stop. However, one passenger, who was waiting in the bus stop, has attempted to board the moving bus and he fell down and suffered fatal accident. Therefore, according to the learned counsel, it is not only fault on the part of the Driver and also fault on the part of the Conductor. Hence, disciplinary proceedings was initiated as against the Conductor of the bus along with the Driver and they were imposed with punishment. The registration of criminal case as against the Driver for this fatal accident, cannot absolve the Conductor from his responsibility in ensuring the stopping of the bus in the bus stop. Therefore, according to him, the Conductor is also equally responsible for the accident and punishment was imposed. However, without considering the relevant evidence in a proper manner, the Labour Court has erroneously allowed the



industrial dispute. The Labour Court found that it is the fault on the part of the Driver and there is no fault on the part of the Conductor and the findings of the disciplinary authority is perverse. Stopping of the bus in the relevant bus stop is also responsibility of the Conductor of the bus and therefore, he cannot be excluded from the responsibility by referring to the conduct of the Driver.

4.The learned counsel appearing for the respondent/ Trade Union submits that there was an incident of Police firing at Paramakudi and therefore, all the transport corporation buses were directed to return to the respective depot with the available passengers. Therefore, they were proceeded towards depot and they have not boarded any other passengers. However, one passenger has boarded the bus through front door in the moving bus and he has invited this accident. The Driver ought to have verified the same and ought to have stopped the bus. However, in this case, the Driver has failed to stop the vehicle and therefore,





accident. It is not only fault on the part of the Driver and it is also fault on the part of the Conductor, who failed to ensure the stopping of the bus in the relevant bus stop. The reasonings given by the Labour Court that there was an incident of Police firing and there was a direction from the Management to take the vehicle along with passengers to the depot has not been substantiated with any materials. However, without any materials, the Labour Court has come to a conclusion that there was a oral instruction to the Driver and Conductor to take all the vehicles, without boarding any other passengers, to the depot, which cannot be accepted. Fact remains that yet another bus was taking the passengers in the relevant bus stop, however, the subject bus, without stopping in the bus stop, has overtaken the another bus, which resulted in the accident. Therefore, this Court is of the view that there is a fault on the part of the Conductor of the bus. However, with regard to the quantum of punishment, this Court is of the view that the Conductor cannot be equated with that of the Driver. The Driver was also imposed with similar punishment



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of stoppage of increment for two years with cumulative effect.

Therefore, this Court is of the view that the punishment imposed on the Conductor shall be modified.

7.In view of the above, the impugned order passed by the Labour Court, Tirunelveli in ID.No.59 of 2017 dated 25.08.2020 is set aside and the order of punishment imposed by the Management is modified as that of stoppage of increment for a period of two years without cumulative effect. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No

Index : Yes/No

Internet:Yes

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The Labour Court,
Tirunelveli.



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B.PUGALENDHI,J

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