



W.P.(MD)No.19921 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19921 of 2021

and

WMP(MD)Nos.16613 and 16614 of 2021

The Management through the General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Region,
Vannarpettai,
Tirunelveli.

... Petitioner

versus

The General Secretary,
Nellai Chidambaranar, Kumari District
State Transport Corporation Employees Union
Tirunelveli.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records from the Labour Court, Tirunelveli, relating to the impugned award passed by it in I.A.No.280 of 2016 in I.D.No.9 of 2013 dated 20.09.2016 and to quash the same.

For Petitioner : Mr.K.Sathiya Singh

For Respondent : Mr.K.Guhan



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ORDER

The Transport Corporation has filed this writ petition as against the order passed by the Labour Court, Tirunelveli, in I.A.No.280 of 2016 in I.D.No.9 of 2013, dated 20.09.2016. The respondent Union has raised the above industrial dispute as against the order of punishment imposed by the Transport Corporation against its Member, a Driver, who caused an accident in route No.182R.

2. One Madasamy, a driver in the Transport Corporation, was driving a Transport Corporation vehicle bearing Reg.No.TN72 N 0643 from Tenkasi to Nagercoil in Route No.182R on 01.05.2005. At that time, he dashed the vehicle against a Mahendra Bolero Vehicle, bearing Reg.No.TN07 AX 6222, which came from opposite direction near Aralvazimozhi, for which, a criminal case was registered as against the driver Madasamy. Though the petitioner Transport Corporation claims that a criminal case has been registered as against the Driver Madasamy, the FIR has not been placed before this Court and also before the Labour Court. However, a disciplinary proceeding was initiated as against the driver Madasamy. He was also imposed with a punishment, ordering recovery of Rs.25/- (i.e. damage of Rs.



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500/- x 5%) in one instalment from his salary and his suspension period was treated as punishment. As against the order of punishment imposed on the driver Madasamy, the respondent Union has raised the above Industrial Dispute before the Labour Court, Tirunelveli, in I.D.No.9 of 2013. However, the petitioner Transport Corporation failed to defend the industrial dispute by filing a counter affidavit and there was no representation for the Transport Corporation during the hearing before the Labour Court. Therefore, the Labour Court, by its award dated 15.03.2013, passed an *ex parte* order in favour of the respondent Union. Thereafter, the Transport Corporation has filed an interlocutory application in I.A.No.280 of 2016 with a delay of 373 days in filing the application to set aside the *ex parte* award. The Labour Court, by its order dated 20.09.2016, has rejected I.A.No.280 of 2016 filed by the Transport Corporation. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that due to work pressure, there was a delay of 373 days in filing the application to set aside the *ex parte* award. This delay is neither willful nor wanton. Therefore, the Transport Corporation must be provided with an opportunity.



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4. The learned counsel for the respondent Union submits that the industrial dispute was raised in the year 2013. The petitioner Transport Corporation has failed to file their counter affidavit and they have also not prosecuted the industrial dispute. Therefore, the Labour Court passed the *ex parte* award on 15.03.2013. To set aside the *ex parte* award, an interlocutory application in I.A.No.280 of 2016 was filed only in the year 2016 with a delay of 373 days. Moreover, the interlocutory application was also not prosecuted in a proper manner and it was returned twice and thereafter, it was numbered. The Transport Corporation is prosecuting this case in order to harass the driver Madasamy. The learned counsel for the respondent has also pointed out that no criminal case has been registered as against the driver Madasamy for the alleged accident said to have taken place on 01.05.2005 and there is no first information report on record to show that a criminal case has been registered as against the driver Madasamy for his negligent driving. However, the Transport Corporation has proceeded by initiating disciplinary proceedings and also imposed punishment as against the driver Madasamy. Therefore, according to the learned counsel, this is a vindictive writ petition filed in order to harass the driver Madasamy.



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5. This Court considered the rival submissions made.

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6. This writ petition has been filed as against the order passed by the Labour Court, Tirunelveli, in I.A.No.280 of 2016 dated 20.09.2016. As against the order dated 20.09.2016, the Transport Corporation has preferred this writ petition only on 27.10.2021. The disciplinary proceeding has arisen out of the alleged accident said to have taken place on 01.05.2005, for which, a punishment was imposed on 20.12.2007 to recover a sum of Rs.25/- (damage of Rs.500/- x 5%) in one instalment from the salary of the driver Madasamy and the suspension period was treated as punishment. The respondent Union has raised the industrial dispute in the year 2013. The Transport Corporation has not defended the industrial dispute by filing their counter affidavit and also failed to represent the case. Therefore, the Tribunal has passed an *ex parte* award on 15.03.2013. To set aside the *ex parte* award, the Transport Corporation has filed I.A.No.280 of 2016 with a delay of 373 days and even there was some lacuna in prosecuting I.A.No. 280 of 2016.

7. From the observation of the Labour Court, it appears that the interlocutory application was returned twice for defects by the Labour Court,



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however, it was not properly re-presented and it has been numbered only in the year 2016. The reasoning assigned by the Management for the delay of 373 days is due to the work pressure of the General Manager. The interlocutory application was also dismissed by the Labour Court on 20.09.2016. As against the same, the Transport Corporation has preferred this writ petition only in the year 2021.

8. The Transport Corporation claims that it is running in heavy loss. The facts and circumstances of the case itself would show the manner in which the Management is functioning. It is clear that there is no proper administration and there is no accountability and therefore, the Transport Corporation is running in loss.

9. In this case, a disciplinary proceeding was initiated as against the driver Madasamy for the alleged accident said to have taken place on 01.05.2005. Not even an FIR has been registered for the alleged accident, however, accountability has been fixed as against the driver Madasamy for the damage caused to the Transport Corporation to an extent of Rs.500/-. After issuing a charge memo and conducting an enquiry, the Transport Corporation has imposed a punishment of recovery of Rs.25/- (damage of



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Rs.500/- x 5%) in one instalment from the salary of the driver Madasamy, which has originated this litigation before the Labour Court.

10. The Transport Corporation is having a battalion of team in legal section. There is an exclusive Manager (Legal) assisted by two Superintendents, one for Motor Accident Claims and another for Labour Court issues. These Superintendents are also provided with 4 to 5 Assistants each. Apart from that, each Transport Corporation is having not less than 2 to 3 panel counsels before the Labour Court. However, the Transport Corporation has allowed the industrial dispute to set *ex parte* in the year 2013. Even to set aside the *ex parte* decree, with a casual affidavit, claiming work pressure on the General Manager, an application has been filed to set aside the *ex parte* award. The said application was not properly prosecuted by the Transport Corporation and it was returned twice and thereafter, it was numbered only in the year 2016. Not satisfied with the reasons assigned by the Transport Corporation for the delay of 373 days, the Labour Court, by its order dated 20.09.2016, dismissed I.A.No.280 of 2016. As against the order passed by the Labour Court in I.A.No.280 of 2016, dated 20.09.2016, this writ petition has been filed in the year 2021. This Court has also entertained this writ petition and ordered notice on 02.11.2021. Due to that, the



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respondent Union was also constrained to engage a counsel to defend this writ petition.

11. Considering the nature of punishment, the manner in which the disciplinary proceeding was proceeded without even ascertaining as to whether an FIR has been registered, the quantum of punishment, i.e. Rs.25/-, the manner in which the industrial dispute was defended by the Transport Corporation before the Labour Court, the manner in which the application to set aside the *ex parte* award has been filed with a delay of 373 days, its reasons, the manner in which the writ petition has been filed with a delay of six years after the order passed in I.A.No.280 of 2016 and the quantum of amount which has been spent for litigation expenses and due to this irresponsible litigation, this Court is inclined to dismiss this writ petition with cost of Rs.10,000/-. Hope this cost would sensitise the officers from unnecessary litigations and responsible prosecutions.

12. Accordingly, this writ petition is dismissed with cost of Rs.10,000/- (Rupees ten thousand only) payable by the petitioner to the High Court Legal Services Authority, Madurai Bench, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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The General Manager, Tamil Nadu State Transport Corporation, Tirunelveli Region, shall recover this cost amount from the concerned Officer/s, who is/are responsible for the aforesaid lapses. Consequently, connected miscellaneous petitions are closed.

22.10.2025

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

1. The General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Region,
Vannarpettai,
Tirunelveli.
2. The General Secretary,
Nellai Chidambaranar, Kumari District
State Transport Corporation Employees Union
Tirunelveli.

Copy to:

3. The Chairman,
High Court Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J.

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