



WP(MD). No.22345 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25.10.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.22345 of 2021
and WMP(MD)No.19332 of 2025

K.Thangavelu

... Petitioner

versus

The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Tiruchirappalli.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the award dated 22.08.2019 in I.D.No.8 of 2008 passed by the Labour Court, Tiruchirappalli, quash the same and consequently, direct the respondent to pay the petitioner backwages and all monetary benefits from the date of dismissal till the date of his superannuation and also terminal/pension benefits, by treating him to have been reinstated in service with continuity of service and attendant benefits.

For Petitioner : Mr.S.Arunachalam

For Respondent : M/s.L.Jeen Felix



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ORDER

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This writ petition has been filed challenging the award passed by the Labour Court, Tiruchirappalli, in I.D.No.8 of 2008, dated 22.08.2019.

2. The petitioner, a driver of the Transport Corporation, was on duty in a bus bearing Reg.No.TN 45 N 1536, on 07.12.2003, for the trip from Trichy to Coimbatore and when the bus was proceeding near Mathapur bus stop at about 9.45 a.m, he overtook a mini bus parked on the left side, in spite of noticing a motorcycle coming from the opposite direction and dashed against the motorcycle and caused the death of the motorcyclist. Therefore, a criminal case was registered as against the petitioner in Crime No.760 of 2003, on the file of Palladam Police Station, for the offences under Sections 279, 337 and 304(A) IPC. Based on the First Information Report, the Transport Corporation has initiated a disciplinary proceeding as against the petitioner and thereafter, he was dismissed from service, by order dated 26.05.2004. Challenging the same, the petitioner has raised an industrial dispute before the Labour Court, Tiruchirappalli, under Section 2A(2) of the



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Industrial Disputes Act, in I.D.No.8 of 2008. The Labour Court, having found that the enquiry was conducted in a fair and proper manner, dismissed the industrial dispute in I.D.No.8 of 2008, by order dated 22.08.2019. Aggrieved over the same, the petitioner has preferred this writ petition.

3. The learned counsel appearing for the petitioner submitted that the motorcyclist, who died in the accident, was not having any valid driving licence, however, the Palladam Police Station has mechanically registered a criminal case as against the petitioner and also filed the final report. The learned Judicial Magistrate, Palladam, by Judgment dated 24.09.2009, in C.C.No.154 of 2004, found the petitioner guilty and also convicted him for the offence under Sections 279, 337 and 304(A) IPC, which was also confirmed by the Additional District and Sessions Court, Tirupur, by Judgment dated 10.06.2010, in C.A.No.128 of 2009. However, this Court, by order dated 14.07.2017, in CrI.R.C.No.1259 of 2010, set aside the Judgment of conviction passed by the learned Judicial Magistrate, Tiruppur, in C.C.No.154 of 2004, dated 24.09.2009, holding that the motorcyclist was not having any valid driving licence and



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therefore, the petitioner cannot be fastened with criminal liability for the accident. Therefore, according to the learned counsel, as per the Standing Orders, the Management ought to have reviewed the order of punishment under Clause 61 of the 12(3) Settlement.

4. The learned counsel for the petitioner further submitted that the legal heirs of the deceased motorcyclist have also filed a claim petition before the Motor Accidents Claim Tribunal, Tiruppur, in M.C.O.P.No. 354 of 2004, wherein, the Transport Corporation has taken a stand in favour of petitioner that the accident is due to the negligence on the part of the motorcyclist. Once they have taken a stand before the Motor Accidents Claim Tribunal that the accident is due to the negligence on the part of the motorcyclist, they cannot take a different stand in the disciplinary proceedings by finding him guilty for the accident.

5. The learned counsel for the respondent submitted that though the petitioner has been acquitted by this Court in CrI.R.C.No.1259 of 2010, by order dated 14.07.2017, he cannot take advantage of the same as it was allowed on the ground of benefit of doubt. The learned counsel



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has also pointed out the number of delinquencies committed by the petitioner and submitted that the petitioner was indulged in eleven accidents, out of which, two are fatal accidents. Considering his previous conduct, the Management has taken a stringent view of dismissing him from service. Therefore, according to the learned counsel, considering the past conduct and involvement in the accident on 07.12.2003, the petitioner deserves to be dismissed from service. The learned counsel further submitted that the disciplinary proceeding was conducted by providing all reasonable opportunities to the petitioner. Therefore, there is no reason to interfere with the order of dismissal.

6. In response to the same, the learned counsel for the petitioner has produced certain certificates issued by the Management that the petitioner was rewarded for accident free driving.

7. This Court considered the rival submissions made.

8. The petitioner was dismissed from service pursuant to the disciplinary proceedings initiated against him for the accident taken



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place on 07.12.2003 and a criminal case registered against him. The learned Judicial Magistrate, Palladam, by Judgment dated 24.09.2009, in C.C.No.154 of 2004, found the petitioner guilty and also convicted him for the offence under Sections 279, 337 and 304(A) IPC and the same was also confirmed by the Additional District and Sessions Court, Tirupur, by Judgment dated 10.06.2010, in C.A.No.128 of 2009. However, this Court, by order dated 14.07.2017, in CrI.R.C.No.1259 of 2010, set aside the order of conviction and acquitted the petitioner from all charges. The relevant portion of the order is extracted as under:

“7. In admitted circumstance of the bus and motorcycle being driven from opposite sides, the damage to the bus being caused to its left front is more reflective of error on the part of the motorcycle rider than on the part of the Revision Petitioner/bus driver. It is an admitted prosecution case that the deceased did not hold a proper driving license. Lower Appellate Court has erred in disbelieving the defence case on the reasoning that the revision petitioner/accused had not caused examination of the passenger of the bus in support of his case, forgetting that it is for the prosecution to establish its case. Defence quite rightly has put it to the Investigation Officer PW-9 that the complaint in the case Ex.P1 did not inform the



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nature of the damage suffered by the bus, since doing so, would go against the prosecution case.

5. The revision petition stands allowed. The judgment of learned Additional District and Sessions Judge, Fast Track Court No.V, Tiruppur, passed in C.A.No.128 of 2009 on 10.06.2010 confirming the judgment of learned Judicial Magistrate, Palladam, passed in C.C.No.154 of 2004 on 24.09.2009, shall stand set aside. Petitioner is acquitted of all charges. Fine, if any, paid shall be refunded. Bail bonds, if any, executed shall stand cancelled.”

9. In view of the finding of this Court in CrI.R.C.No.1259 of 2010 that the motorcyclist was not having a valid driving licence, it has to be treated only as honourable acquittal from the criminal case. Therefore, the petitioner is entitled for review of the order of the punishment as per Clause 61 of 12(3) settlement dated 30.09.1992.

10. Apart from this, the Management has taken a different stand before the Motor Accidents Claim Tribunal in M.C.O.P.No.354 of 2004 that the accident is due to the negligence on the part of the motorcyclist. Once a different stand was taken by the respondent Corporation before



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the Motor Accident Claims Tribunal, the stand taken by the Management before the disciplinary proceedings cannot survive.

11. A similar issue has already been decided by this Court in W.P. (MD)No.16941 of 2025 dated 01.09.2025 by following the Judgment of the Hon'ble Supreme Court in ***Maharashtra SRTC Vs Mahadeo Krishna Naik*** reported in ***(2025) 4 SCC 321*** as follows:

“23. The Latin phrases *suggestio falsi* and *suppressio veri* embody concepts of unethical conduct of a party having serious consequences in various fields including law.

24. According to Black's Law Dictionary, *suggestio falsi* is a false representation or a misleading suggestion while *suppressio veri* connotes suppression of the truth; an indirect lie, whether by words, conduct, or artifice. It is a type of fraud.

25. That the Corporation indulged in the misadventure of *suggestio falsi* and *suppressio veri* is incontrovertible.

26. Before the Labour Court, the Corporation did not leave any stone unturned to establish that not only was the inquiry conducted against Mahadeo fair, but the conclusion arrived at in the course of such inquiry that



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Mahadeo was guilty of misconduct in rashly and negligently driving the bus of the Corporation leading to loss suffered by it was established upon due consideration of the materials on record. Having regard to the clear and specific stand taken before MACT in its written statement, which has been quoted above, the Corporation did make a false representation before the Labour Court amounting to *suggestio falsi*. Also, having not disclosed before the Labour Court the outcome of the proceedings before MACT, a *fortiori*, that it had not been found liable to pay any compensation to the passengers who either died and were injured based on what the version in the written statement was and the argument advanced on its behalf to absolve itself of any liability, the Corporation is also guilty of *suppressio veri*.

27. The conduct of the Corporation when Mahadeo was struggling to find a foothold before the Single Judge in view of the contours of judicial scrutiny of awards of industrial adjudicators cannot also escape notice. Perhaps, the Corporation thought that the proceedings before MACT not having been brought to the notice of the Labour Court by Mahadeo previously, he was blissfully ignorant of the same and, therefore, the Corporation would steal a march over him by not making the appropriate disclosure. The Corporation was caught



off-guard when Mahadeo produced in the written statement and the award of MACT before the Single Judge in his review petition.

28. The relevance of MACT judgment and its probative value to the case at hand cannot be gainsaid. To be relevant, a piece of evidence relied on by a party must be shown to have some logical connection to the case and its admission would be necessary to prove or disprove a fact. Once the evidence is found to be relevant and is admitted arises the question of its probative value. Probative value, as is well known, refers to the weight or persuasive power of the evidence. It is not always necessary that a piece of evidence found relevant to a case would still demand significant probative value. An assessment has to be made by the court as to how convincing or persuasive the evidence is and how effective it would be to prove or disprove a fact.

29. We are conscious that the law of evidence per se does not apply to industrial adjudication. Nevertheless, the general principles do apply. In any event, in industrial adjudication, principles of natural justice have to be complied with. Fairness in procedure has developed as the third limb of natural justice. The manner in which the Corporation conducted itself before the Labour Court does not behove a creature of a statute. It has been far



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from fair in its dealings with Mahadeo.

30. The Corporation did not deliberately refer to the award of MACT at two different tiers and thereby actively 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 binding on 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.

31. In *State of M.P. v. Narmada Bachao Andolan*, a three-Judge Bench of this Court observed: (SCC p.706, para 164)

“164. It is a settled proposition of law that a false statement made in the court or in the pleadings, intentionally to mislead the court and obtain a favourable order, amounts to criminal contempt, as it tends to impede the administration of justice. It adversely affects the interest of the public in the administration of justice. Every party is under a legal obligation to make truthful statements before the court, for the



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reason that causing an obstruction in the due course of justice 'undermines and obstructs the very flow of the unsoiled stream of justice, which has to be kept clear and pure, and no one can be permitted to take liberties with it by soiling its purity'."

32. Even if we keep the award of MACT aside, it is clear from the pleadings of the Corporation before 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.

33. This Court in *Union of India v. N.Murugesan* while holding that it will be inequitable and unfair if a party is allowed to challenge a position while enjoying its fruits, ruled: (SCC pp.38-39, para 26)

"26. These phrases are borrowed from the Scots law. They would only mean that no party can be allowed to accept and reject the same thing, and thus one cannot blow hot and



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cold. The principle behind the doctrine of election is inbuilt in the concept of approbate and reprobate. Once again, it is a principle of equity coming under the contours of common law. Therefore, he who knows that if he objects to an instrument, he will not get the benefit he wants cannot be allowed to do so while enjoying the fruits. One cannot take advantage of one part while rejecting the rest. A person cannot be allowed to have the benefit of an instrument while questioning the same. Such a party either has to affirm or disaffirm the transaction. This principle has to be applied with more vigour as a common law principle, if such a party actually enjoys the one part fully and on near completion of the said enjoyment, thereafter questions the other part. An element of fair play is inbuilt in this principle.” (emphasis supplied)

34. The Corporation, without an iota of doubt, being in the dominant position has attempted and achieved success in stealing a march over Mahadeo by indulging in *suggestio falsi* and *suppressio veri*. The actions of the Corporation have resulted in Mahadeo being robbed of a stable livelihood and has caused



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irreparable harm to him. It would not behove any court, much less this Court, to allow such free reign to a party. Omission, neglect and/or failure – whatever be the cause – the Corporation's non-disclosure of what its stand was before MACT and what was ultimately held by MACT to the Labour Court as well as the Single Judge is suppression of such high magnitude that it can safely be held to be akin to a clear fraud on court.”

12. In view of the above, this writ petition is allowed and the award dated 22.08.2019 in I.D.No.8 of 2008 passed by the Labour Court, Tiruchirappalli is set aside. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.



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To

The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Tiruchirappalli.



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B.PUGALENDHI, J.

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