



**W.P.(MD).No.25366 of 2018**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 10.06.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.25366 of 2018

and

W.M.P(MD) No.22960 of 2018

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

... Petitioner

Vs.

The Secretary,  
Nellai District Transport Corporation  
Labour Union,  
Opposite to Transport Corporation  
Head Office,  
Vannarpettai,  
Tirunelveli.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records from the Labour Court, Tirunelveli relating to the impugned award passed by it in I.D.No.69 of 2014, dated 29.12.2015 and quash the same.



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For Petitioner : Mr.K.Sathiya Singh

For Respondent : Mr.S.Arunachalam

### **ORDER**

The Management of the Tamil Nadu State Transport Corporation has filed the present writ petition challenging the award of the Labour Court, Tirunelveli, in I.D.No.69 of 2014, wherein, the Labour Court has set aside the punishment of imposition of postponement of increment.

2. One Mr.Harikumaran Nair, who was working as a Conductor in the petitioner Transport Corporation, was issued with a charge Memo on 30.09.2009 on the allegation that he had not properly looked into the side mirror to find out whether any passenger is attempting to board the running bus after the bus had started from the bus stop. The Workman had submitted an explanation that after the bus had started from the bus stop, the passenger had attempted to board the running bus and therefore, there was no negligence on his part. This explanation was not accepted and after the domestic enquiry, a punishment was imposed, imposing two year increments



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cut with cumulative effect. This was put to challenge by the Trade Union under Section 2 (k) of Industrial Disputes Act, before the Labour Court.

3. The Labour Court, after considering the oral and documentary evidence arrived at a finding that the passenger has attempted to board the bus, 50 feet away from the bus stop, while the bus was running and therefore, the workmen cannot be held to be negligent and accordingly, the imposition of punishment was set aside by the Labour Court. This award is under challenge in the present writ petition.

4. According to the learned Standing Counsel appearing for the petitioner/Transport Corporation, the Conductor is expected to look into the side mirror to find out whether any passenger is running to catch the bus. In such an event, he should have stopped the bus so that the passenger can board the bus. The negligence on the part of the Conductor has resulted in a fatal accident and the transport Corporation had incurred huge financial loss in payment of compensation before the Motor Accident Claims Tribunal. Hence, he prayed for restoring the punishment imposed by the Management and to set aside the order of the Labour Court.



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5. Per contra, the learned counsel appearing for the respondent/Union submitted that even as per the enquiry report the passenger was also at fault, as he had attempted to board a running bus after the bus had left the bus stop. In such circumstances, the charges as against the workman have not been proved and therefore, the labour Court has rightly set aside the punishment.

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

7. The charges as against the workman are that he was negligent in not looking into a passenger who was running to catch the bus and the passenger while boarding the bus had fallen down, sustained injuries and passed away. A perusal of the charge Memo as well as the enquiry report would clearly reveal that the bus had left the bus stop and 50 feet thereafter the passenger had attempted to board the running bus. The passenger had lost his balance, fallen down and sustained grievous injuries and passed away. In such circumstances, the Conductor cannot be held to be negligent in not looking to find out any passenger is running to catch the bus. The labour Court has



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rightly set aside the punishment imposed by the Management, after considering the oral and documentary evidence submitted on either side.

8. In view of the above said deliberations, there are no merits in this Writ Petition. Accordingly, this Writ Petition stands dismissed. The workman would be entitled to get all the eligible monetary benefits, which shall be paid within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

**10.06.2025**

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

The Secretary,  
Nellai District Transport Corporation  
Labour Union,  
Opposite to Transport Corporation  
Head Office,  
Vannarpettai,  
Tirunelveli.

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**R.VIJAYAKUMAR,J.**

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