

WP(MD)No.23795 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.23795 of 2025
and
WMP(MD)No.18703 of 2025

1. The General Manager,
Tamil Nadu State Transport Corporation,
Nagercoil Region,
Ranithottam,
Nagercoil,
Tirunelveli Division,
Kanyakumari District – 629 001.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Division,
KTC Nagar,
Tirunelveli District – 627 011.

... Petitioners

versus

The General Secretary,
Tamil Nadu State Transport Corporation,
Kamaraj Nadar Thozhilalar Sangam,
181/1, St. Michel Building,
II floor, Mathiyas Nagar,
Nagercoil – 1
(S.Ramesh Driver EDP No.9090)

... 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 relating



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to the impugned order dated 22.10.2024 in ID No.8 of 2020 on the file of the Labour Court, Tirunelveli and set aside the above order.

For Petitioners : Mr.D.Jebaraj

For Respondent : Mr.M.Dennis Joe

ORDER

The Transport Corporation has filed this writ petition as against the award passed by the Labour Court, Tirunelveli, in I.D.No.8 of 2020 dated 22.10.2024.

2. One Ramesh, who was working as a Driver in the petitioner Transport Corporation, had indulged in an accident on 17.12.2012 at about 7.30 p.m. at Ramanathapuram Bharathi Nagar. He dashed his vehicle on a cyclist who crossed the road. In this regard, a case was registered as against him, in Crime No.677 of 2012 on the file of the Kenikkarai Police Station. Therefore, a domestic enquiry was conducted as against the delinquent driver by issuing a charge memo on 03.05.2013, for which, he submitted his reply on 26.10.2015. The domestic enquiry was also conducted on 06.01.2016, 18.02.2016, 30.03.2016, 22.04.2016, 16.09.2016, 26.09.2016,



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16.11.2016, 06.03.2017, 19.04.2017 and 30.06.2017, however, the delinquent driver has not appeared before the enquiry. Therefore, the Enquiry Officer set the delinquent driver *ex parte* and also passed an order that the charges against the delinquent driver were proved. Thereafter, a show cause notice was issued to the delinquent driver on 07.10.2017 and he has also submitted his reply on 30.10.2017. Not satisfied with the reply given by the delinquent driver, a final order has been passed on 20.11.2017 imposing a punishment of stoppage of increment for two years with cumulative effect.

3. Challenging the order of punishment dated 20.11.2017, the delinquent driver filed an appeal before the Managing Director on 23.01.2018. The Managing Director modified the punishment into stoppage of increment with cumulative effect for one year. The matter was also sent before the Joint Labour Commissioner for conciliation, however, conciliation also failed. Thereafter, the delinquent driver has raised an industrial dispute, through his Trade Union, before the Labour Court, Tirunelveli, in I.D.No.8 of 2020 and the same was allowed by the Labour Court, by its order dated 22.10.2024. The Labour Court found that the order of punishment has been passed without providing an opportunity of hearing

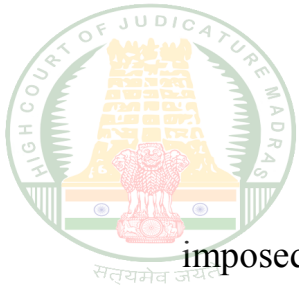


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and without providing any document which has been required by the delinquent driver. In fact, the delinquent driver has made an request seeking certain documents. The documents appear to be irrelevant, except the complaint copy and certified standing order.

4. The Union is knowing the certified standing order. The complaint is also based on the FIR which has been registered as against the delinquent driver. The occurrence had taken place in the year 2012. Charge memo was issued in the year 2013 and the order of punishment was passed in the year 2017. Challenging the same, Industrial Dispute was raised before the Labour Court, Tirunelveli and the same was allowed by order dated 22.10.2024.

5. This Court is not accepting the reasons given by the Labour Court for allowing the industrial dispute raised by the driver. However, considering the period and also considering the fact that the cyclist, who crossed the road and dashed with the vehicle, has not sustained any injury and the FIR has also been closed, remanding the matter back for fresh consideration would be unnecessary harassment to both the Management as well as to the delinquent Driver. Admittedly, the punishment has been



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imposed as an *ex parte* order.

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6. Considering the peculiar circumstances of this case, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

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

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B.PUGALENDHI,J.

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