



W.P.(MD).No.31346 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.31346 of 2025

K.Nantha

...Petitioner

Vs

The General Manager,
The Tamil Nadu State,
Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Maruthupathi,
Sivagangai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondent to cancel the punishment of 3 years increment cut with cumulative effect and to grant petitioner the review benefits of petitioner's service with retrospective effect, including restoration of any lose increments or ensure petitioners service record reflect the honorable acquittal as per the Judgment delivered by the Learned Judicial Magistrate No.V, Trichy in S.T.C No.2990/2014, dated 02.11.2018 and Settlement U/S 12(3) of Industrial Disputes Act 1947.



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For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.S.C.Herold Singh
Standing Counsel

ORDER

This writ petition has been filed for a writ of Mandamus, to direct the respondent to cancel the punishment of 3 years increment cut with cumulative effect and to grant petitioner the review benefits of petitioner's service with retrospective effect, including restoration of any lose increments or ensure petitioners service record reflect the honorable acquittal as per the Judgment delivered by the Learned Judicial Magistrate No.V, Trichy in S.T.C No.2990/2014, dated 02.11.2018 and Settlement U/S 12(3) of Industrial Disputes Act 1947.

2. The learned counsel for the petitioner submits that the petitioner has been employed as a Driver and unfortunately involved in an accident on 13.04.2014, for which he was also charged with a criminal offence. The said case was taken on file in S.T.C.No.2990/2014. In the interregnum, the petitioner was also issued with a charge memo and the order of punishment was imposed on him 10.08.2015 by imposing a



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punishment of stoppage of increment for a period of three years with cumulative effect. In the disciplinary proceedings, the Enquiry Officer found that the petitioner had caused the accident due to rash and negligent driving. He would also take this Court to the judgment of the Criminal Court wherein he was acquitted and contended that there has been specific finding of the Criminal Court that the petitioner had not driven the vehicle in a rash and negligent manner. Therefore, he prays this Court to direct the respondent to cancel the punishment of two years of increment with cumulative effect.

3. The learned counsel for the petitioner had also relied upon the judgment of the learned Single Judge of this Court in the case of ***G.Ramachandran Vs. The Management, TNSSTC (Vilupuram) Limited and others (W.P(MD)No.13628 of 2022)*** to support his contention.

4. Countering his arguments, the learned Standing Counsel for the respondent on the other hand contends that the writ petition is not maintainable even though filing an appeal as provided under the Rules and that even after the disposal of the appeal by the appellate authority, the petitioner should only approach the forum as provided under the



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Industrial Dispute Act and cannot have the relief as sought in this writ petition. The settlement between the Management and the workmen cannot be extended to the case of the petitioner as claimed by the petitioner. He further submits that having caused the accident, the petitioner cannot claim that he was not responsible for the accident. Therefore, he prays this Court to dismiss this writ petition.

5. I have considered the submissions made by the learned counsels on either side.

6. A charge memo issued against the petitioner for his rash and negligent driving, for which the petitioner was also prosecuted before the competent Criminal Court. The Criminal Court has given a specific finding that the accident did not occur due to the negligence of the petitioner. Therefore, this Court is of the view that the enquiry officer in the disciplinary proceedings could not come to a contrary conclusion than that have been arrived by a Criminal Court.

7. The respondent has also raised the grounds of maintainability of the writ petition indicating there is an alternate remedy available to the



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petitioner under the Industrial Dispute Act. It is the case of the respondent that without exhausting such remedy, the petitioner would not be entitled to canvass his case in this writ petition. Article 226 of the Constitution of India. It may be true that the alternate remedy is a bar to entertain the writ petition under Article 226 of the Constitution of India and such bar has been repeatedly held is not absolute. In a particular case, considering the facts and circumstances of the case, this Court can exercise its powers under Article 226 of the Constitution of India.

8. In the present case, the charges have been framed on the similar facts and on the same set of allegations the petitioner had also been proceeded by Criminal Court. As already noted that when the Criminal Court after full trial found the petitioner was not negligent in causing the accident by a rash and negligent driving, the finding of the Enquiry Office that the petitioner was a rash and negligent, goes counter to the finding of the Criminal Court. When such a finding has been given, the petitioner cannot be proceeded with departmentally. No reasons have been attributed why the Enquiry Officer had gone contrary to the findings given by the competent Criminal Court.



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9.The aforesaid view is also supported by judgment of the Hon'ble

Supreme Court in the case of ***G.M.Tank Vs State of Gujarat and others*** reported in ***(2006) 5 SCC 446*** which has been recorded by the learned Single Judge in the judgment relied upon by the petitioner.

10.That being so, this Court is unable to comprehend as to why this Court should not exercise its power under Article 226 of the Constitution of India and relegate the petitioner to work out the remedy under the Industrial Disputes Act. Hence, the objections raised by the respondents that the writ petition should not be entertained is not sustained.

11.In fine, the writ petition is allowed. There shall be no order as to costs.

19.11.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn



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K.KUMARESH BABU, J.

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