



WEB COPY

WP No. 23400 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 23400 of 2019
and WMP No.23165 of 2019**

The Management,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

..Petitioner

Vs

The General Secretary,
Arasanga Pokkuvarathu Oozhiyar Sangam,
Regn.No.73/MTS, (C.I.T.U.),
No.2, Pallavan Salai, (Kalayaranga Valagam),
Chennai – 600 002.

..Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for an issuance of writ of certiorari, calling for the records pertaining to the order passed in I.D.No.76 of 2018 dated 30.05.2019 on the file of the III Additional Labour Court, Chennai and to quash the same and pass such further or other orders.

For Petitioner: Mr.R.Balaji

For Respondent: Mr.S.T.Varadarajulu,

ORDER

This writ petition is filed challenging the impugned award of the III Additional Labour Court, Chennai, dated 30.05.2019 in I.D. No.76 of 2018.



2. By the said award, the punishment of increment cut with cumulative effect imposed on the driver and the conductor was set aside and the Labour Court held that there was no negligence on the part of the workmen. Aggrieved by the same, the management is before this Court.

3. The brief facts leading to the dispute are that on 07.04.2006, the two workmen being the driver and conductor, were on duty on route No. M70 / A and at about 9.20 a.m., after starting from Avadi bus stand and while proceeding towards CMBT bus stand, after Manikandapuram bus stop, the bus dashed against a Hero Honda motorcycle bearing Registration No.TN-20-F-0614, which was trying to cross the bus on the left-hand side, as a result of which the rider and pillion rider fell down. On account of the same, the pillion rider succumbed to the injuries on the way to the hospital. The driver was prosecuted but was ultimately acquitted by the Criminal Court by granting the benefit of doubt. The Corporation claimed that it had suffered loss and disrepute and therefore, a charge memorandum was issued and after enquiry, punishment orders were passed against the driver and conductor. Aggrieved thereby, the present dispute was raised by the respondent Trade Union.

4. The Labour Court, after considering the case of the management and the parties, appraised the evidence and considered the fact that the middle portion of the bus had come into contact only with the handlebar of the bike and



that the bike rider had attempted to overtake the bus on the left-hand side, which was totally out of the driver's view. Accordingly, it held that no rashness or negligence could be attributed to the driver. With reference to the allegation that the bus did not stop at Manikandapuram bus stop, the Labour Court held that if failure to stop had been framed as a charge, then the driver and conductor could have been made liable in respect thereof. However, the said fact was relied upon only to contend that had the bus stopped at Manikandapuram bus stop, the accident would have been avoided. The Labour Court found such reasoning to be incorrect and set aside the punishment. Aggrieved by the same, the management is before this Court.

5. The learned counsel appearing on behalf of the management submitted that if the bus had stopped at Manikandapuram bus stop, it would have proceeded slowly thereafter and the accident could have been avoided. Secondly, it was argued that both the driver and conductor are required to take care on all sides of the bus, especially on crowded roads such as those in Chennai and therefore the approach of the Labour Court in placing the fault only on the two-wheeler rider should not be accepted by this Court.

6. I have heard the learned counsel appearing for the workmen, who supported the award of the Labour Court.



7. In this case, the Labour Court has properly appreciated the evidence on record, the manner of the accident and the fact that the handlebar of the bike came into contact with the middle portion of the bus on the leften side and held that the same would not have been within the vision or view of the driver and that the fault lies with the bike rider. Such a finding cannot be termed perverse or implausible when the Labour Court has arrived at finding of fact.

8. After due appreciation of the evidence, this Court is of the view that this is not a fit case for interference. As regards the argument about non-stopping of the bus at Manikandapuram bus stop, as rightly pointed out by the Labour Court, if the same had been a separate charge then that would have been a different matter. The argument advanced is that had the bus stopped, it would thereafter have proceeded slowly and the accident could have been avoided. The said argument cannot be accepted, as the alleged failure to stop and the act of the bike rider attempting to overtake the bus at some distance thereafter cannot be treated as proximate reasons. Hence, the argument is illogical and is rejected.

9. In view thereof, finding no merits, the writ petition stands ***dismissed***.
No costs. Consequently, connected miscellaneous petition is closed.

Neutral Citation: No
nsl

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(1/2)



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D.BHARATHA CHAKRAVARTHY, J.

ns1

To

III Additional Labour Court, Chennai.

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