



WEB COPY

WP No. 23405 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. 23405 of 2019

and

WMP No.23173 of 2019

The Management,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai – 600 002.

..Petitioner

Vs

The General Secretary,
Arasanga Pokkuvarathu Oozhiyar Sangam,
Regn.No.73/(C.I.T.U.),
Pallavan Salai,
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.158 of 2015 dated 29.03.2019 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 award of the III Additional Labour Court, Chennai dated 29.03.2019 made in I.D. No.158 of 2015.



2. By the said award, the dispute raised by the workmen, namely the driver and the conductor was partly allowed, in as much as the punishment imposed on the conductor was set aside while the punishment imposed on the driver was upheld.

3. The brief factual background in which the writ petition arises is that both the workmen were on duty as driver and conductor in bus route No.21-G on 18.12.2004. When the bus stopped at Chrompet bus stop and thereafter started, there were about 80 passengers in the bus. One of the passengers who was travelling on the footboard failed to hold on to the iron pipe, fell down and died. In view of the said incident, a charge memorandum was issued to both the workmen and a punishment of increment cut with cumulative effect for a period of two years was imposed. Aggrieved by the same, the present dispute was raised.

4. The contention of the workmen was that, on the way, there was a breakdown of another bus and the passengers of both buses were accommodated in the instant bus and that the conductor was busy issuing tickets and verifying them due to the sudden inflow of additional passengers.

5. The case of the driver is that it was only the negligence of the deceased person and that he was not at fault. The Labour Court appraised the evidence



and factual matrix and considered the fact that the conductor was in the middle of the bus issuing tickets and checking them. As far as the driver is concerned, the Labour Court held that though the fault also lay with the concerned passenger who chose to travel on the footboard, at the same time, the driver ought to have checked the rear-view mirror and should have driven the vehicle carefully. On that basis, the Labour Court partly allowed the claim in respect of the conductor and confirmed the punishment in respect of the driver. Aggrieved by the same, the management is before this Court.

6. The learned counsel appearing on behalf of the management submitted that it was the duty of the conductor to verify that all passengers had come inside the bus and that he should not have permitted passengers to travel on the footboard, especially when about 80 passengers were travelling in the bus and that due care ought to have been taken by the conductor as well. It was further contended that the conductor ought to have refused to take in the passengers from the other bus if the bus was already full.

7. The said contentions were refuted by the learned counsel appearing on behalf of the workmen, who supported the award of the Labour Court.

8. I have considered the submissions made by the learned counsel appearing on behalf of the petitioner Corporation.



9. It is true that, in a given case, it may be the duty of the conductor also to ensure that passengers do not travel on the footboard and that they are asked to come inside. This is why the suggestion of having a door at the footboard has been made to avoid such accidents. In the newer versions of e-buses and low-floor buses, there are doors at both entrances so that passengers do not fall.

10. As far as the present case is concerned, the Labour Court has gone into the factual matrix by appraising the evidence on record and has come to a conclusion on facts that no negligence could be attributed to the conductor. When the Labour Court has arrived at such a finding on the basis of documentary evidence marked as Exhibits W-1 to W-9 and when no contra evidence was let in by the management, this Court is not in a position to hold that the finding of the Labour Court is perverse or an implausible view.

11. In view thereof, finding no merit, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27-01-2026
(2/2)

Neutral Citation: No
nsl

To
III Additional Labour Court, Chennai.



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D.BHARATHA CHAKRAVARTHY, J.

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