



W.P(MD)No.8363 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.8363 of 2022

and

W.M.P(MD)No.6208 of 2022

The Management,
Tamil Nadu Arasu Polluvarathu Kazhagam,
Dindigul Region,
Dindigul – 624 004.

... Petitioner

Vs

The General Secretary,
Tamil Nadu Arasu Pokkuvarathur Kazhagam,
Mooventhur Munnainikazhaga Thozhilalar Sangam,
106/7, Gopal Nagar,
Dindigul.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 30.09.2021 passed by the learned Labour Court, Madurai in I.D.No.68 of 2015 as illegal and quash the same.



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For Petitioner : Mr.J.Senthil Kumaraiah

For Respondent : Mr.S.Arunachalam

ORDER

Challenging the order passed in I.D.No.68 of 2015, dated 30.09.2021, by the Labour Court, Madurai, the petitioner has filed the present Writ Petition.

2.The learned counsel appearing for the petitioner Corporation would submit that the member of the respondent Union was working as a driver in the petitioner Corporation. While he was on duty on 06.03.2006, driving the bus bearing Registration No. TN57-N-0729 on the route from Pallapatti to Dindigul, he allegedly drove the bus in a rash and negligent manner, resulting in a fatal accident in which one person lost his life. In view of the said accident, a charge memo dated 19.06.2006 was issued to him. However, he did not submit any explanation. Thereafter, a departmental enquiry was conducted, pursuant to which the petitioner Corporation



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imposed the punishment of stoppage of one annual increment with cumulative effect, vide order dated 17.08.2006. Subsequently, the respondent Union raised an industrial dispute through conciliation proceedings before the Government. The Government referred the dispute for adjudication before the Labour Court, where it was taken on file as I.D.No.68 of 2015. Upon adjudication, the Labour Court set aside the punishment imposed by the petitioner Corporation, which had already been implemented in the year 2007. Aggrieved by the said award, the petitioner Corporation has filed the present Writ Petition.

3.The learned counsel appearing for the petitioner Corporation would further submit that this Court would ordinarily not interfere with the findings of the Labour Court unless such findings are perverse. However, in the present case, despite the fact that a departmental enquiry was conducted with respect to the fatal accident caused by the member of the respondent Union and a minor punishment of stoppage of one annual increment with cumulative effect was imposed, the Labour Court interfered with the said



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punishment after a delay of nearly nine years, which, according to the learned counsel, is unsustainable.

4.The learned counsel for the petitioner Corporation would further submit that the standard of proof required in departmental proceedings is that of preponderance of probabilities and not proof beyond reasonable doubt. In the present case, the occurrence of the accident is admitted, and one person lost his life. Taking into consideration the future prospects of the employee, the disciplinary authority itself adopted a lenient approach by imposing only the punishment of stoppage of one annual increment with cumulative effect. The Labour Court, however, interfered with the said punishment, which is wholly unsustainable and perverse. On the above grounds, the learned counsel prayed for interference by this Court under Article 226 of the Constitution of India.

5.Per contra, the learned counsel appearing for the respondent Union would submit that the petitioner Corporation failed to establish the



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guilt of the member of the respondent Union. According to him, the driver cannot be expected to turn back while driving to ascertain whether every passenger has alighted from the bus. He would further submit that the management witness, who was examined before the Labour Court, failed to establish the case against the member of the respondent Union. The Labour Court, on appreciation of the evidence, arrived at a finding that there was no material to establish that the member of the respondent Union was responsible for the accident that occurred on the relevant date. He would further contend that mere delay would not disentitle the workman from approaching the Labour Court for appropriate relief. The Labour Court, after analysing the entire evidence on record, came to the conclusion that the punishment imposed by the petitioner Corporation was unsustainable, as there was no material to justify the imposition of such punishment. Therefore, the award passed by the Labour Court does not suffer from perversity and does not warrant interference by this Court. He further submitted that the plea regarding delay, now canvassed before this Court, was never raised before the Labour Court. Having failed to raise such a plea



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before the Labour Court, the petitioner Corporation cannot be permitted to raise it for the first time in these writ proceedings. Accordingly, he prayed for dismissal of the Writ Petition.

6.In reply, the learned counsel appearing for the petitioner Corporation would submit that a legal issue can be raised at any stage of the proceedings. Therefore, the petitioner Corporation is entitled to raise the plea regarding delay before this Court while invoking its jurisdiction under Article 226 of the Constitution of India. Accordingly, he prayed for appropriate orders.

7.In support of his contentions, the learned counsel appearing for the respondent Union relied upon the following decisions:

“(i) Sapan Kumar Pandit Vs. U.P State Electricity Board and others [(2001) 6 SCC 222];

(ii) Management fo Madurantakam Co-operative Sugar Mills Limited Vs. S.Viswanathan [2005 (2) L.L.N 38]; and



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(iii) *Mohammad Hanif Jainum Khalifa Vs. The State of Karnataka [2026 Supreme (SC) 612].”*

8.Heard the learned counsel appearing for the petitioner Corporation and the learned counsel appearing for respondent union.

9.The facts of the present case are not in dispute. Admittedly, the member of the respondent Union was working as a driver at the time of the accident. He was involved in a fatal accident, pursuant to which the petitioner Corporation initiated disciplinary proceedings by issuing a charge memo. These facts are admitted and are not in dispute. The only issue that arises for consideration before this Court is whether the member of the respondent Union was responsible for the fatal accident that occurred on the said day.

10.In order to establish its case, the respondent Union examined one witness and marked Exs.W1 to W11. On behalf of the petitioner



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Corporation, no oral evidence was adduced; however, Exs. M1 to M9 were marked. The petitioner Corporation relied upon the First Information Report to establish that the fatal accident occurred while the member of the respondent Union was in the course of his employment. The Corporation also marked the charge memo, office order, enquiry proceedings, enquiry report, show cause notice, and the order imposing punishment. In addition, the previous punishment imposed on the member of the respondent Union was marked as Ex. M9.

11.The records produced by the petitioner Corporation clearly establish that the member of the respondent Union had not only suffered the punishment impugned in the present proceedings but had also been visited with several punishments during the course of his service. Taking into consideration his previous misconduct as well as the present accident, the disciplinary authority imposed the punishment of stoppage of one annual increment with cumulative effect. However, the Labour Court came to the conclusion that the member of the respondent Union was not at fault. It is



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well settled that the standard of proof required in departmental proceedings is only that of preponderance of probabilities and not proof beyond reasonable doubt.

12.In the present case, while the member of the respondent Union was on duty on 06.03.2006 at about 8.15 p.m. at Dindigul Bus Stand No. 9, he was involved in a fatal accident. Consequently, a criminal case in Crime No.262 of 2006 was registered by Nagar Vadaku Police Station for the offences under Sections 279 and 337 of the Indian Penal Code against Pandi, the driver concerned. Thereafter, a final report was filed, and the case was taken on file as C.C.No.619 of 2006. Though the learned Judicial Magistrate No.II, Dindigul, acquitted the accused after a full-fledged trial, such acquittal does not automatically absolve him in departmental proceedings. The standard of proof applicable to departmental proceedings is only that of preponderance of probabilities.



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13.Further, the records reveal that the member of the respondent Union had been subjected to several punishments earlier. Taking into account both his past conduct and the present incident, the disciplinary authority imposed only a minor punishment of stoppage of one annual increment with cumulative effect. The Labour Court interfered with the said punishment without assigning adequate reasons. Such interference is unsustainable and suffers from perversity. Hence, the award passed by the Labour Court is liable to be set aside.

14.Accordingly, the Writ Petition is allowed. The award passed by the Labour Court in I.D.No.68 of 2015, dated 30.09.2021 by the Labour Court, Madurai is set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
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To

The General Secretary,
Tamil Nadu Arasu Pokkuvarathur Kazhagam,
Mooventhur Munnainikazhaga Thozhilalar Sangam,
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