



W.P.(MD)No.8030 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.03.2026

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.8030 of 2026

and

W.M.P.(MD)No.6571 of 2026

The Management,
General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli Region, Tirunelveli – 627 003. ... Petitioner

vs.

The General Secretary,
Nellai District Transport Labour Association (CITU),
Opposite to Tamil Nadu. State
Transport Corporation Head Office,
Vannarapettai, Tirunelveli. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned award passed by the Labour Court, Tirunelveli in O.P I.D.No.10 of 2023 dated 22.04.2024 and quash the same.

For Petitioner :Mr.S.Micheal Heldon Kumar



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ORDER

The petitioner is before this Court challenging the award dated 22.04.2024 passed by the Labour Court, Tirunelveli, in O.P.I.D. No.10 of 2023.

2. A member of the respondent Association, one M. Sahul Hameed, while serving as a Driver in the petitioner Corporation, was issued with a charge memo alleging that, due to rash and negligent driving, he caused an accident by dashing against a pedestrian, resulting in injuries. An enquiry was conducted, and the Enquiry Officer held the charge to be proved. Based on the said finding, the Disciplinary Authority imposed the punishment of withholding of increment for a period of one year with cumulative effect. Aggrieved by the same, the respondent raised an industrial dispute under Sections 10(1)(c) and 10(1)(d) of the Industrial Disputes Act, 1947, before the Labour Court, Tirunelveli.

3. The Labour Court framed a preliminary issue as to whether the domestic enquiry was fair and proper and answered the same in the



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affirmative. Thereafter, on the side of the respondent, documents were marked as Exs.W1 to W14, and on the side of the petitioner Management, documents were marked as Exs.M1 to M16. The Labour Court found that none of the eyewitnesses to the accident, including the conductor who was present in the bus at the time of the occurrence, was examined. The only witness relied upon was the Inspector, who had investigated the incident after the occurrence. Except for the evidence of the said Inspector, no cogent material was placed before the Enquiry Officer to substantiate the allegation of rash and negligent driving on the part of the workman.

4. In such circumstances, the finding of the Enquiry Officer, based solely on the statement of the Inspector and in the absence of any cogent evidence, is perverse. Consequently, the order of punishment imposed by the petitioner, being founded on such findings, is unsustainable.

5. The Labour Court, upon proper appreciation of the materials on record, has rightly set aside the punishment. This Court finds no illegality or perversity in the impugned award warranting interference.



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6. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

26.03.2026

cmr

To

The Presiding Officer,
the Labour Court, Tirunelveli.



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HEMANT CHANDANGOUDAR, J.

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