



W.P.(MD)No.8331 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.03.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.8331 of 2026

and

W.M.P.(MD)No.6808 of 2026

The Management,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Region, Tirunelveli.

... Petitioner

vs.

The General Secretary,
Nellai, Chidambaranar, Kumari District,
State Transport Employees Union,
Registration No.468/ Tvl,
4C, Imperial Compound (Upstairs),
Peratchiamman Koil Street,
Vannarapettai, Tirunelveli – 3.
for K.Murugan,
Driver, Duty No.9258.

... 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.129 of 2022 dated 04.07.2024 and quash the same.



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For Petitioner :Mr.S.Michael Heldon Kumar

ORDER

The petitioner is before this Court assailing the award dated 04.07.2024 passed by the Labour Court, Tirunelveli, in O.P.I.D. No. 129 of 2023.

2. The respondent, K. Murugan, while serving as a Driver in the petitioner Corporation, was issued a charge memo alleging that, due to rash and negligent driving, he dashed against a moped, resulting in injuries to the rider. A domestic 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 thereby, 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.



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3. The Labour Court framed a preliminary issue as to whether the domestic enquiry was fair and proper and answered the same in the affirmative. Thereafter, the respondent marked documents as Ex.W1 to Ex.W9, and the petitioner Management marked documents as Ex.M1 to Ex.M11. 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 occurrence, was examined. The only witness examined was the Assistant Manager of the petitioner Corporation, who was not an eyewitness. Except for the evidence of the said Assistant Manager, no cogent material was placed before the Enquiry Officer to substantiate the allegation that the accident occurred due to rash and negligent driving on the part of the respondent.

4. Further, the petitioner Corporation had attributed negligence to the offending driver and not to the respondent/workman before the Motor Accidents Claims Tribunal. In such circumstances, the finding of the Enquiry Officer, based solely on the statement of a non-eyewitness and in the absence of any cogent evidence, is perverse. Consequently, the order of punishment, founded on such findings, is also unsustainable.



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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.

6. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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

27.03.2026

cmr

To

The Presiding Officer,
Labour Court, Tirunelveli.



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HEMANT CHANDANGOUDAR, J.

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