



W.P.(MD) No.15935 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2026

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THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD) No.15935 of 2025

and

W.M.P.(MD) No.12061 of 2025

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Region,
Tirunelveli.

... Petitioner

Vs.

The General Secretary,
Tamil Nadu State Transport Corporation,
Labour Munnetra Kazhagam,
Tirunelveli.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records pertaining to the impugned award passed by the Labour Court, Tirunelveli in I.D.No.22 of 2022 dated 26.12.2023 and quash the same.

For Petitioner : Mr.K.Ramaiah

For Respondent : Mr.M.Jerin Mathew



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ORDER

The petitioner, the Management of the Tamil Nadu State Transport Corporation, has challenged the impugned award dated 26.12.2023 passed by the Labour Court, Tirunelveli, in I.D. No.22 of 2022, filed by the respondent-Kazhagam.

2. By the impugned award, the Labour Court set aside the order of punishment dated 13.10.2003, imposing the punishment of withholding of increment for three years with cumulative effect, on the member of the respondent-Kazhagam, who is a driver in the Tamil Nadu State Transport Corporation, Tirunelveli Region.

3. The brief facts of the case are that a member of the respondent-Kazhagam, namely, Abranantham, who was working as a driver in the Sankarankovil Branch, met with an accident while on duty. On 09.08.2003, when he was driving the bus belonging to the petitioner-Corporation from Tirunelveli to Srivilliputhur, an accident occurred between the bus and a motorcycle, as a result of which the rider of the motorcycle died and the pillion rider sustained injuries. Due to the said



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accident, the petitioner-Corporation suffered monetary loss. Therefore, the petitioner-Corporation conducted a domestic enquiry and by order dated 13.10.2003, imposed the punishment of withholding the increment of the said driver for three years with cumulative effect. Challenging the same, the respondent-Kazhagam filed I.D.No.22 of 2022 before the Labour Court. By the impugned award, the Labour Court set aside the order of punishment dated 13.10.2003. Aggrieved by the same, the petitioner-Corporation has filed the present Writ Petition.

4. The learned counsel for the petitioner-Corporation would submit that the respondent-Kazhagam failed to prove that the accident did not occur due to the negligence of the driver and that in the absence of any such material, the Labour Court has erroneously set aside the order of punishment without taking note of the domestic enquiry conducted by the petitioner in a fair manner, which is not perverse.

5. The learned counsel for the respondent-Kazhagam would submit that the punishment imposed by the petitioner-Corporation is contrary to its own Standing Orders; that although the driver had given a detailed explanation stating that the accident occurred due to the negligence of the



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rider of the motorcycle, the petitioner-Corporation, without considering the same, passed the order of punishment; that further the petitioner-Corporation has taken a different stand before the Motor Accident Claims Tribunal in M.C.O.P.Nos.111 and 126 of 2003 by contending that the driver was not at fault for the accident, whereas in the punishment order, the petitioner-Corporation has proceeded on the basis that the driver was at fault; and that therefore, the Labour Court has rightly set aside the punishment order.

6. I have considered the arguments advanced by the learned counsel for the petitioner-Corporation and the learned counsel for the respondent-Kazhagam.

7. The fact that the petitioner-Corporation has taken one stand before the Motor Accident Claims Tribunal that the driver was not at fault for the accident and another stand in its disciplinary proceedings that the driver was at fault for the accident, is not disputed by the learned counsel for the petitioner-Corporation.



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8. In a similar circumstance, the Hon'ble Supreme Court in

Maharashtra State Road Transport Corporation v. Mahadeo Krishna

Naik, reported in (2025) 4 SCC 321 has held as under:

“Even if we keep the award of the MACT aside, it is clear from the pleadings of the Corporation before the MACT and the Labour Court that the Corporation has attempted to get the best of both worlds. The contradictory stances taken by the Corporation before the two forums amount to approbation and reprobation on the same issue, causing immense prejudice to the employee if such inconsistency is permitted.”

9. Therefore, the petitioner-Corporation, having categorically contended before the MACT that the accident was not caused by any negligence on the part of the driver, cannot now be permitted to approbate and reprobate by alleging negligence in the disciplinary proceedings.

10. Further, admittedly, the punishment imposed by the petitioner-Corporation is contrary to its own Standing Orders. The Hon'ble Supreme Court, in ***Vijay Singh v. State of Uttar Pradesh and Others***, reported in (2012) 5 SCC 242, has observed as follows:



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“The order passed by the disciplinary authority withholding the integrity certificate as a punishment for delinquency is without jurisdiction, not being provided under the Rules. Since the same could not be termed as a punishment under the Rules, it is a settled proposition of law that punishment not prescribed under the Rules as a result of disciplinary proceedings cannot be awarded.”

11. Since the petitioner–Corporation has passed the order contrary to its own Standing Orders, such an order lacks statutory authority and cannot be sustained in law.

12. The Labour Court, considering all aspects, namely, that the petitioner-Corporation has taken a different stand before the Motor Accident Claims Tribunal and in its own disciplinary proceedings and that the order of punishment was passed contrary to the Standing Orders, has rightly set aside the order of punishment. Therefore, the impugned award deserves to be confirmed and this Writ Petition is liable to be dismissed. Accordingly, the impugned award is confirmed.

13. It is needless to state that, as a consequence of the dismissal of this Writ Petition, the driver, i.e., the member of the respondent–



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Kazhagam, is entitled to the benefits awarded by the Labour Court. The same shall be disbursed by the petitioner-Corporation within a period of six weeks from the date of receipt of a copy of this order.

14. With the above direction, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

[K.SURENDER, J.]
03.02.2026

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Index : Yes / No
Neutral Citation : Yes / No



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