



W.P.(MD) No.21420 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2026

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD) No.21420 of 2025

and

W.M.P.(MD) No.16622 of 2025

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

... Petitioner

Vs.

The General Secretary,
Tamil Nadu State Transport Corporation,
Labour Munnetra Sangam,
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.24 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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W.P.(MD) No.21420 of 2025

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.24 of 2022, filed by the respondent-Sangam.

2. By the impugned award, the Labour Court set aside the order of punishment dated 04.12.2017, imposing the punishment of withholding of increment for three years with cumulative effect, on the member of the respondent-Sangam, who is a conductor in the Tamil Nadu State Transport Corporation, Tirunelveli Region.

3. The brief facts of the case are that a member of the respondent-Sangam, namely, M.Shanmugam, was working as a conductor in the Shencottah Branch of the petitioner-Corporation. While he was on duty, a passenger was travelling standing on the footboard of the bus. According to the petitioner, the conductor failed to caution the passenger and allowed him to continue travelling on the footboard, as a result of which the passenger fell onto the road, sustained head injuries and subsequently



W.P.(MD) No.21420 of 2025

died. Thereafter, the petitioner-Corporation conducted a domestic enquiry and by order dated 04.12.2017, imposed the punishment of withholding the increment of the said conductor for a period of three years with cumulative effect. Challenging the same, the respondent-Sangam raised an industrial dispute in I.D.No.24 of 2022 before the Labour Court. By the impugned award, the Labour Court set aside the order of punishment dated 04.12.2017. Aggrieved by the said award, the petitioner-Corporation has filed the present Writ Petition.

4. The learned counsel for the petitioner-Corporation would submit that the respondent-Sangam failed to establish that the conductor had discharged his duties efficiently and cautiously at the time of accident 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-Sangam would submit that the punishment imposed by the petitioner-Corporation is contrary to its own Standing Orders; that although the conductor had given a detailed



W.P.(MD) No.21420 of 2025

explanation stating that the accident did not occur due to his negligence, 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 conductor was not at fault for the accident, whereas in the punishment order, the petitioner-Corporation has proceeded on the basis that the conductor 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-Sangam.

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



W.P.(MD) No.21420 of 2025

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 conductor, 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:



W.P.(MD) No.21420 of 2025

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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.



W.P.(MD) No.21420 of 2025

13. It is needless to state that, as a consequence of the dismissal of this Writ Petition, the conductor, i.e., the member of the respondent-Sangam, is entitled to the benefits awarded by the Labour Court. The same shall be disbursed by the said conductor 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

JEN
Index : Yes / No
Neutral Citation : Yes / No



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W.P.(MD) No.21420 of 2025

K.SURENDER, J.

JEN

W.P.(MD) No.21420 of 2025

03.02.2026