



W.P(MD)No.35 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.35 of 2024

and

W.M.P(MD)No.29 of 2024

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

.. Petitioner

Vs

General Secretary,
Nellai District Transport Labour Association, (CITU),
Opposite to Tamil Nadu State Transport Corporation,
Head Office,
Vannarpettai,
Tirunelveli-3.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned award passed by the Labour Court, Tirunelveli in I.D.No.83 of 2022 dated 01.06.2023 and quash the same.

For Petitioner : Mr.K.Ramaiah

For Respondent : Mr.S.Arunachalam



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ORDER

The petitioner challenges the award dated 01.06.2023 passed by the Labour Court in I.D. No. 83 of 2022, whereby the punishment of withholding of increment for a period of five years with cumulative effect imposed on the workman, Arunachalam, was set aside.

2. The workman, Arunachalam, employed as a driver in the petitioner Corporation, was issued a charge memo alleging that a pedestrian died due to injuries sustained in an accident caused by his rash and negligent driving. The workman participated in the domestic enquiry, and the Enquiry Officer, upon conclusion of the enquiry, held the charges to be proved. Based on the said report, the petitioner imposed the punishment. Aggrieved thereby, the workman raised an industrial dispute under Sections 10(1)(c) and 10(1)(d) of the Industrial Disputes Act before the Labour Court.

3. Heard the learned counsel on either side and perused the materials available on record.

4. It is seen that, in the domestic enquiry, no eyewitness to the incident was examined. The finding of guilt was arrived at solely on the basis of the testimony of the management witness, namely, the



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officer who investigated the accident. Significantly, in the claim petition filed by the legal representatives of the deceased pedestrian, the petitioner Corporation had taken a categorical stand that the accident did not occur due to rash and negligent driving by the workman, but was solely attributable to the negligence of the deceased. In such circumstances, and in the absence of any eyewitness evidence, the conclusion of the Enquiry Officer that the charges stood proved lacks substantive evidentiary basis. The Labour Court, on a proper appreciation of these aspects, has rightly set aside the punishment.

5. This Court does not find any perversity or arbitrariness in the findings of the Labour Court warranting interference under Article 226 of the Constitution of India.

6. Accordingly, the writ petition stands dismissed. The petitioner Corporation is directed to implement the award of the Labour Court within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

23.03.2026

NCC : Yes/No

Index : Yes/No

Internet:Yes

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HEMANT CHANDANGOUDAR, J.

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