

BEFORE THE PRINCIPAL LABOUR COURT, COIMBATORE

Present : Tmt. A.P.Latha, B.Sc., B.L.,  
Presiding Officer,  
Principal Labour Court,  
Coimbatore.

Tuesday, the 17<sup>th</sup> day of March, 2026.

ID. No. 1/2025  
(CNR No.TNCB-04-000038-2025)

General Secretary,  
Tamil Nadu Arasu Pokkuvarathu  
Seerudai Paniyalar Thozhirsangam,  
Reg. No.1440,  
610/200 Periyanaikenpalayam,  
SRKV Post,  
Coimbatore – 641 020.

..... Petitioner

~ Versus ~

The Management,  
Tamil Nadu State  
Transport Corporation,  
Coimbatore Region,  
37, Mettupalayam Road,  
Coimbatore – 641 043.

..... Respondent

This Petition came up for final hearing before me on 16.03.2026 in the presence of Thiru.D.Sathish Shankar, advocate for the Petitioner and Tmt.K.T.Kannikasankareswari, Advocate for the Respondent, upon hearing the

arguments of both sides, perusing the entire materials on records and having stood over for consideration till this date, this Court passed the following :-

**PRELIMINARY AWARD**

The petitioner seeks to set aside the impugned punishment order of the respondent dated 23.08.2019 imposing stoppage of increment for two years with cumulative effect, to set aside the deduction of earned leave for the period from 16.04.2016 to 22.05.2016 from the Union member's leave account, and to direct disbursement of the monetary benefits.

2. Brief averments of the Petition : :

The Respondent management operates more than 2000 buses across Coimbatore, Nilgiris, and Tiruppur districts and employs over 10,000 workmen, of whom more than 150 permanent employees, including the Union member Conductor Mr. T. Jegadeesan (Emp. No. 17759). The Union member Mr.T.Jegadeesan has been working as a Conductor in the Ondipudur Branch for the past 19 years, sincerely performing his duties under the lawful instructions of the management. On 16.04.2016, while working in Bus No.TN-38-N-1546 running on the Rayarpalayam–Ondipudur route, an unfortunate accident occurred at Chithra Bus Stop when an elderly woman, without any caution or signal, suddenly moved into the blind spot in front of the left wheel of the halted bus to retrieve her fallen footwear and slipped, resulting in her death. The accident was solely due to the negligent action of the

deceased and not due to any negligence of the driver or conductor, which is also supported by the fact that more than 52 passengers were on board and the bus was operated slowly in a heavy-traffic morning hour. Mr.T.Jegadeesan submitted his accident report on 17.04.2016, yet the Respondent placed him under suspension from 20.04.2016 and failed to pay subsistence allowance despite his request dated 24.05.2016. A charge memo dated 28.05.2016 was issued alleging that, on 15.04.2016, while working as a Conductor on Bus No. TN 15 N 1546, he was negligent in his duties and failed to assist the driver, resulting in an accident near Chithra Bus Stop in which a woman pedestrian died after being struck and run over by the bus. The memo also falsely alleged a revenue loss of Rs.2,624/- and stated that the case was registered by the police against the driver and claimed that the Conductor's conduct amounted to misconduct under Standing Order 14(1). The charge memo is illegal and violative of natural justice, and through his letter dated 11.06.2016 requested necessary documents to submit his explanation, but the Respondent management refused to furnish the documents. The accident did not occur due to any negligence of petitionerr member Mr.T.Jegadeesan or the driver. On 15.04.2015, at about 3.50 a.m., while Bus No. T3 8154 was halted at Chithra Bus Stop and after ensuring that no passengers were on the footboard and checking all mirrors, the driver slowly moved the bus. At that moment, an elderly woman suddenly came into the blind spot directly in front of the bus and attempted to cross carelessly, resulting in the front left wheel running over her and causing her instant

death. Thus, the accident was solely due to the negligent act of the deceased, and the allegation against the driver or conductor is baseless, especially with over 52 passengers on board during peak morning traffic. By interim order dated 23.05.2016, the Respondent permitted Mr.T.Jegadeesan to rejoin duty on 24.05.2016, and he resumed on 11.06.2016. For the charge memo dated 28.05.2016, an enquiry was initiated. The management appointed Thiru Shanmuga Sundaram as Enquiry Officer and issued an enquiry notice on 11.12.2018 fixing enquiry on 03.01.2019, but Jegadeesan was not permitted to attend due to staff shortage, and the enquiry was postponed. Another notice dated 15.04.2019 fixed enquiry on 23.04.2019, followed by a memo dated 12.04.2019 stating the enquiry was deferred. Despite this, the Enquiry Officer, acting in favour of the management, conducted a one-sided enquiry and sent a notice on 27.05.2019 stating that the enquiry was concluded. The Union member sent a representation on 05.06.2019 requesting a fresh and fair enquiry, but the management ignored it and issued a proposed punishment memo on 11.06.2019, stating the charges were held proved. Jegadeesan submitted his explanation on 17.06.2019, but the management issued a punishment order on 29.07.2019, withholding his annual increment for two years with cumulative effect and treating the suspension period from 16.04.2016 to 22.05.2016 as leave period. The enquiry is not fair and proper. His appeal dated 23.08.2019 to the Managing Director was not acted upon. Later, the management also issued another order dated 19.04.2022, which is also illegal. Hence the Union member raised an industrial dispute with the help of

the petitioner trade union before the Conciliation Officer, Coimbatore. The respondent was adamant in their stand. Hence the conciliation failed. The report was submitted to the Government of Tamil Nadu. The Government of Tamil Nadu referred the matter to this Court in TN. GO. MS. No.883 of Labour Welfare and Skill Development (D1) Department dated 23.12.2024 by raising the issues as follows.

"எழுவினா

மனுதாரர் திரு. T. ஜெகதீசன், நடத்துநர் (ப.எண்.17759) என்பவருக்கு வருடாந்திர ஊதிய உயர்வினை இரண்டு வருட காலத்திற்கு பின்தொடர்ச்சியுடன் தள்ளி வைத்து நிர்வாகத்தின் 23.08.2019 நாளிட்ட உத்தரவினை இரத்து செய்தும் மற்றும் தற்காலிக வேலை நீக்கத்தில் இருந்த 16.04.2016 முதல் 22.05.2016 வரையிலான 38 நாட்களை அவரது விடுப்புக் கணக்கில் நிலுவையில் உள்ள விடுப்பு நாட்களைப் பொறுத்து விடுப்பாக கருதவும் என்ற உத்தரவினை நீக்கறவு செய்ய வேண்டுமென்ற தொழிற்சங்கத்தின் கோரிக்கை நியாயமானது தானா? ஆம் எனில் உரிய உத்தரவுகள் பிறப்பிக்கவும்."

Therefore this Petitioner seeks to set aside the punishment order, to restore the annual increments with all consequential benefits and the suspension period be treated as duty or as eligible leave, along with costs.

### 3. Brief averments of the Counter :

The petition is not sustainable in law and on facts. The Petitioner Union member Mr.T.Jegadeesan (Emp. No.017759), was working as a Conductor at the

Ondipudur-1 Branch when a fatal accident occurred on 15.04.2016 involving Bus No.TN 38 N 1546 during the morning shift. The driver, acting rashly and without due care, hit a woman pedestrian near Chitra Bus Stop, causing her death on the spot, and the Petitioner member also failed in his duty to properly guide the driver and ensure passenger safety and committed misconduct as per clause 14(l) of the standing order. Due to this incident, the Corporation suffered a revenue loss of Rs.2,624/-, and an FIR was registered against the driver, who absconded thereafter. A charge memo dated 28.05.2016 was issued to the Petitioner member detailing his misconduct. As his explanation was not satisfactory, a domestic enquiry was conducted strictly in accordance with principles of natural justice and the enquiry officer found the charge is proved. The finding is supplied to the Petitioner member, and his objections dated 17.06.2019 were found unacceptable. Consequently, the punishment order dated 23.08.2019 withholding his annual increment for two years with cumulative effect was imposed and the suspension period from 16.04.2016 to 22.05.2016 was regularised as leave based on eligibility. The Petitioner member was also clearly informed of his right to file an appeal within 60 days. The deceased relatives filed M.C.O.P. No.976/2016, before the Motor Accident Claims Tribunal and the Tribunal directed the Corporation to pay Rs.2,89,200/- with 7.5% interest and Rs.11,216/- as costs to the deceased's legal heirs. The enquiry is fair and proper and the punishment imposed is in accordance with the law and hence the petition is liable to be dismissed .

4. Point for Determination :

Whether the domestic enquiry conducted by the respondent management is proper and valid?

5. During enquiry no oral evidence is adduced on the side of respondent, but Ex.M1 to Ex.M15 documents are marked on the side of the respondent by consent. Further neither oral nor documentary evidence is adduced on the side of the petitioner.

6. Point :

The learned counsel for the peititoner submitted that the charge memo dated 28.05.2016 itself manifest that the Union member/conductor is not at all liable for the accident, the enquiry officer failed to provide necessary document and time to adduced evidence on the side of the Union member but hurriedly set him exparte and passed an illegal order, further the enquiry report discloses that the finding of the enquiry officer is not in line with the charge memo issued to the union member and urged to hold the enquiry conducted by the respondent is not proper and valid.

7. The learned counsel for the respondent submitted that after issuing charge memo on 28.05.2016 for the misconduct committed by the Union member under clause 14(1) of the standing order and since no reply or explanation is received from

the Union member the respondent appointed enquiry officer, the enquiry officer issued due notice and the Union member participated in the proceedings, the enquiry officer finally found that the Union member committed the misconduct as per clause 14(1) of the standing order. Again submitted that after receipt of the enquiry report dated 04.06.2019 the respondent issued notice to the Union member along with the copy of the enquiry report and the Union member replied the same on 17.06.2019 and not satisfied with the reply the respondent issued 2<sup>nd</sup> show cause notice dated 29.07.2019 for which the Union member replied on 30.08.2019 and the respondent not satisfied with the reply of the petitioner, issued an order of punishment dated 23.08.2019 there by urged that the finding of the enquiry officer is proper and valid.

8. Ex.M4 is the charge memo dated 28.05.2016 which reads that on 15.04.2016 while the Union member was serving as a conductor in the bus bearing Reg. No.TN 38 N 1546 which was proceeding from Rayer Palayam to Ondiputhur and at about 9.50 a.m. near chitra bus stop the driver of the bus drove the bus in a negligent manner and hit a lady pedestrian who was crossing the road from the right side to the left side of the road, that too, in front of the bus thereby caused her death and the cause for the accident is due to the negligence of the Union member who failed to give necessary signal to the driver thereby committed the misconduct as per clause 14(1) of the standing order. The positive averments in the charge memo is that while the bus was halted near the chitra bus stop, at that time one pedestrian crossed the road in front of the bus from right to left side and by that time the driver

drove the bus in a negligent manner and caused her death. Ex.M4 charge memo itself reflect that the occurrence itself is occurred in front of the bus and for that nobody can expect a signal from the conductor to help the driver from avoiding the accident. A careful perusal and consideration of the charge memo manifest that the Union member/conductor is not at all liable for the accident, since the accident occurred in front of the bus.

9. Ex.M2 is the FIR pertaining to the accident. It discloses that while one Vanaja was trying to get down from the bus at the occurrence place, the deceased Girija got down from the front door of the bus and proceeded towards the front side of the bus and at that time the bus dashed against her and caused the accident. It is not the case of the complainant Vanja that she sustained any injury in the accident. Admittedly it is seen from the FIR that while the said Girija (since deceased) was walking in front of the bus, the bus dashed against her and caused her death. Since the accident was occurred while the deceased was walking on the road, that too, in front of the bus, it cannot be said that the conductor of the bus is also the cause for the accident.

10. Ex.M11 is the notice issued to the Union member for proposed punishment dated 29.07.2019. Ex.M11 discloses that the place of accident the driver of the bus drove the same in a negligent manner and hit the pedestrian who was walking on the road, that too, on the left side of the bus, the driver drove the bus in a negligent manner and caused her death. Ex.M11 never discloses that the conductor is also

negligent for cause of death.

11. Ex.M13 is the order of punishment of the respondent dated 23.08.2019. It also discloses that while the pedestrian was walking on the road, that too, on the left side of the bus, the driver drove the bus in an negligent manner and dashed against her and caused her death. Ex.M13 punishment order also never discloses that the conductor is the cause for the accident.

12. Further on careful perusal and consideration of the averments in Ex.M4 charge memo dated 28.05.2016, the averments in Ex.M2 FIR, Ex.M11 notice for proposed punishment and Ex.M13 order of punishment dated 23.08.2019 discloses that at the time of accident and at the place of accident while pedestrian Girija was walking on the left side of the bus, the driver drove the bus in a negligent manner and caused her death. Ex.M6 is the enquiry report dated 04.06.2019. In para 5 of the enquiry report it is stated that while the pedestrian was walking on the left side of the bus the bus dashed against her and caused the accident. The reason assigned by the enquiry officer that the Union member committed the misconduct as per clause 14(l) of the standing order are as follows :

a) the complainant informed the Police that before she got down from the bus, the conductor blow the whistle is the cause for the accident, but the Union member failed to examine her to disprove the alleged misconduct under clause 14(l) of the standing order. In the charge memo nothing is alleged as stated by the enquiry

officer. Further more it is the duty of the respondent to examine the complainant who lodged the FIR and prove the misconduct against the Union member. The burden of prove is on the respondent and not on the Union member. Therefore the finding of the enquiry officer in this records is not valid in law.

b) to disprove the case of respondent, during enquiry the Union member examined Thiru.R.Prabhu as a defence witness. In page 12 of the enquiry report the enquiry officer stated that the said witness who travelled in the bus is nothing to do with the occurrence and the evidence of the said witness need not to be taken into consideration. It is seen from Page no.8 and 9 of the enquiry report, evidence of said Prabhu discloses about to the negligent act of the pedestrian who died in the accident is the cause for the accident. No reason is assigned by the enquiry officer to reject the evidence of the said witness from consideration. The non consideration of the evidence of the defence witness and rejecting his evidence is not at all proper and fair on the part of the enquiry officer.

c) Further in Page No.12 of the enquiry report it is stated by the enquiry officer that since the Union member failed to reply for the charge memo it is decided that the misconduct under clause 14(1) of the standing order is proved. Since the Union member failed to reply the charge memo the enquiry officer can not say that the charge against the Union member is proved and the enquiry officer is expected to decide and answer the charge as to whether the Union member committed the misconduct as per clause 14(1) of the standing order or not, on the basis of the

evidence and not on presumption and assumption. Therefore the finding of the enquiry officer that since the Union member failed to answer the charge memo, the enquiry officer decided that the Union member committed the misconduct under clause 14(1) of the standing order is unreasonable and the same is illegal.

13. It is already decided that the averments in Ex.M4 charge memo never discloses that the Union member committed the misconduct as per clause 14(1) of the standing order and the finding of the enquiry officer is not at all proper and valid for the reasons assigned in sub para a, b, c of para 12 and hence it is decided that the enquiry conducted by the respondent is not proper and valid and the enquiry report is set aside and the point is answered accordingly.

For further proceedings 24.03.2026.

*(Dictated to the Steno-Typist and computerised by her, corrected and pronounced by me on this, the 17<sup>th</sup> day of March, 2026).*

PRESIDING OFFICER,  
PRINCIPAL LABOUR COURT,  
COIMBATORE.

LIST OF WITNESSES EXAMINED

Petitioner Side : - Nil -

Respondent Side : - Nil -

LIST OF EXHIBITS MARKED.

Petitioner side : - Nil -

**Respondent side :**

<b>Exhibits</b>	<b>Documents</b>	<b>Date</b>	<b>Remarks</b>
Ex.M1	Detailed Accident Report.	22.04.2016	Xerox
Ex.M2	FIR in Crime No.255/2016 on the file of Coimbatore City Police.	15.04.2016	Xerox
Ex.M3	Interim order passed by the respondent	23.05.2016	Xerox
Ex.M4	Charge memo.	28.05.2016	Xerox
Ex.M5	Enquiry notices and notice.	24.05.2017, 21.08.2017, 28.09.2018, 25.01.2019	Xerox
Ex.M6	Enquiry report.	04.06.2019	Xerox
Ex.M7	Enquiry proceedings.	---	Xerox
Ex.M8	Award in MCOP No.976/2016 on the file of III ADJ, Coimbatore.	04.01.2018	Xerox
Ex.M9	Notice issued by respondent.	11.06.2019	Xerox
Ex.M10	Explanation of the Union member.	17.06.2019	Xerox
Ex.M11	2 <sup>nd</sup> show cause notice.	29.07.2019	Xerox
Ex.M12	Explanation of the Union member.	30.08.2019	Xerox
Ex.M13	Order of Punishment.	23.08.2019	Xerox
Ex.M14	Letter of Appeal to the Managing Director.	11.11.2019	Xerox
Ex.M15	Order passed by the Managing Director in Appeal.	09.12.2019	Xerox

PRESIDING OFFICER,  
PRINCIPAL LABOUR COURT,  
COIMBATORE.

Fair/Draft  
Preliminary Award  
in OP 1/2025  
Dt : 17.03.2026  
PLC, CBE