

BEFORE THE PRINCIPAL LABOUR COURT, COIMBATORE

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

Thursday, the 16th day of April, 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 10.04.2026 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 :-

FINAL 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.17759), 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. After hearing both sides, this Court had framed the following Preliminary

Issue :

Whether the domestic enquiry conducted by the Respondent is proper and valid?

5. After enquiry on preliminary issue this court passed a preliminary award on 17.03.2026 holding that the domestic enquiry conducted by the respondent is not proper and valid and the enquiry report is set aside and posted the case for further enquiry. During further enquiry neither oral nor documentary evidence is adduced on either side.

6. The Point for determination is :

Whether the demand of the petitioner union to set aside the order of respondent dated 23.08.2019 is justified or not?

7. The Point :

The learned counsel for the petitioner submitted that the court already passed a Preliminary award and set aside the enquiry report on the ground that the enquiry officer failed to examine the material witness/complainant who lodged the FIR to prove the misconduct, evidence of the defence witness Prabhu discloses that the negligence act of the pedestrian is the cause for the accident it is not at all considered by the enquiry officer and also the finding that non reply for the charge memo prove the misconduct under clause 14(l) of the standing order. Further submitted that during final award proceedings the respondent never adduced any

evidence to prove the charge of misconduct under clause of 14(1) of the standing order and therefore the claim of the petitioner is justified in law.

8. The learned counsel for the respondent submitted that after careful consideration of the materials the respondent issued charge memo dated 28.05.2016 but the Union member failed to report the same and thereafter the respondent provided the reasonable opportunity and conducted the domestic enquiry, in the domestic enquiry proceedings proper and reasonable opportunities are given to the Union member and further submitted that the non examination of the author of FIR will not affect the finding of the enquiry officer, hence pleaded that the finding of the enquiry officer is proper and valid. Again submitted that consideration of the order of punishment recorded against the Union member, the punishment is recorded, hence the claim of the petitioner is liable to be dismissed.

9. Admittedly in the preliminary award this court decided that the enquiry conducted by the enquiry officer is not proper and valid and the enquiry report dated 04.06.2019 based on which the order of punishment dated 23.08.2019 is passed against the Union member. Since in the final award proceedings no evidence either oral or documentary evidence is adduced by the respondent to prove the charge misconduct as per clause 14(1) of the standing order of the respondent, it is decided that the order of punishment dated 23.08.2019 by the respondent is not legally

sustainable in law. Since it is decided that the order of punishment is passed without conducting domestic enquiry. The punishment passed by the respondent against the Union member is stoppage of increment for 2 years with cumulative effect and deduction of EL of the period from 16.04.2016 to 22.05.2016 from the Union member's leave account which is a major punishment. As I said earlier it is deemed that the punishment passed by the respondent is without conducting domestic enquiry, it is decided that the order of punishment of the respondent dated 23.08.2019 is liable to be set aside, consequently it is decided that the claim of the petitioner Union is justified in law and the point is answered accordingly.

In the result, final award is passed as follows :

a. that the demand of the petitioner Union to set aside the order of the respondent dated 23.08.2019 by postponing the annual increment of the Union member Mr.T.Jegadheesan for 2 years with cumulative effect and treating the suspension period from 16.04.2016 to 22.05.2016 as leave period is justified.

b. that the punishment order of the respondent dated 23.08.2019 is here by set aside,

c. that the deduction of EL for the period 16.04.2016 to 22.05.2016 is to be credited in the leave account of the Union member.

d. that the Union member is entitled for the monetary benefits arising out of setting a side of the order of punishment dated 23.08.2019,

e. that the respondent is directed to pay the monetary benefits with in 2 months from today otherwise it will carry interest at 6% from today

f. No order as to cost.

(Dictated to the Steno-Typist and computerised by her, corrected and pronounced by me on this, the 16th day of April, 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 : - Nil -

PRESIDING OFFICER,
PRINCIPAL LABOUR COURT,
COIMBATORE.