

BEFORE THE ADDITIONAL LABOUR COURT, COIMBATORE

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

Friday, the 17th day of April 2026.

ID. No.80/2025

(CNR No.TNCB-04-000186-2025)

General Secretary,
Kovai Arasu Pokkuvarathu
Oozhiyar Sangam (CITU),
109, Park Street,
Coimbatore

... 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 16.04.2026 in the presence of Thiru.B.Jothikumar, Learned counsel for the Petitioner and Tmt.K.T.Kannikasankareswari, Learned counsel for the Respondent and upon perusing the entire materials on records and upon hearing the arguments of both

sides, and having stood over for consideration till this date, this Court doth passed the following :-

PRELIMINARY AWARD

The petitioner union seeks to set aside the impugned punishment order of the respondent dated 07.10.2020 passed against its member, Thiru A. Krishnamoorthy, Driver, to set aside the order whereby his annual increment was deferred for 5 years with cumulative effect treating the suspension period from 23.02.2019 to 24.03.2019 (30 days) as leave, and consequently direct the respondent management to grant the monetary and statutory benefits arising therefrom under Section 2(k) of the Industrial Disputes Act, 1947.

2. Petition averments in brief :

The present industrial dispute is raised by the petitioner union seeking to set aside the order of the respondent dated 07.10.2020 against its member Thiru A.Krishnamoorthy (Emp. No. C21132), Driver, Mettupalayam-II Branch, whereby his annual increment was deferred for five years with cumulative effect and the suspension period from 23.02.2019 to 24.03.2019 (30 days) was treated as leave. The petitioner union is a duly registered trade union functioning to safeguard and promote the legal and service rights of transport workers and to ensure fair and lawful treatment of its members. The respondent Corporation, functioning under the administrative control of the Government of Tamil Nadu, issued a charge memo dated

25.03.2019 alleging that, while the petitioner member was on duty as a driver of the Corporation bus bearing Registration No. TN38N2865 on 22.02.2019, operating a scheduled service from Tiruchirappalli to Tiruppur, he drove the vehicle in a rash and negligent manner near Veerarakkiyam Pirivu at about 4.50 p.m., causing a road traffic accident involving a two-wheeler, resulting in the death of the rider at the spot and the subsequent death of the pillion rider due to injuries sustained, and further causing damage to the Corporation bus assessed at Rs.1,000/-, loss of revenue of Rs.7,000/-, and damage to the two-wheeler assessed at Rs.2,500/-. It was further alleged that a criminal case had been registered against him and that his act amounts to misconduct under clause 14(a), (ad) of the respondents standing order based on the said allegations, the respondent management, without conducting any preliminary enquiry and without affording an opportunity to submit an initial explanation, placed the petitioner member under suspension with effect from 23.02.2019 pending domestic enquiry. Though the petitioner member submitted his explanation denying the charges, the respondent management conducted the domestic enquiry in a biased and one-sided manner, in violation of the principles of natural justice, without affording proper opportunity, without examining material witnesses, and without considering his explanation and evidence; thereafter, based on such defective enquiry, a notice dated 03.06.2020 proposing punishment was issued, and despite the objections submitted by the petitioner member, the respondent management passed the impugned order dated 07.10.2020 imposing the aforesaid punishments. Aggrieved by

the same, the petitioner union raised an industrial dispute before the Assistant Commissioner of Labour, Coimbatore, wherein the respondent management participated and filed a counter containing incorrect particulars, and due to its adamant and non-cooperative attitude, the conciliation proceedings ended in failure, resulting in a failure report being submitted to the Government of Tamil Nadu, which, in turn, referred the dispute for adjudication before this Hon'ble Court in G.O. Ms. No. 883, Labour Welfare and Skill Development (D1) Department, dated 23.12.2024, raising the issue as follows:

“எழுவினா

மனுதாரர் திரு. A. கிருஷ்ணமூர்த்தி, (ப.எண். C21132) ஓட்டுநர் என்பவருக்கு வருடாந்திர ஊதிய உயர்வினை 5 வருட காலத்திற்கு பின் தொடர்ச்சியுடன் தள்ளி வைத்து நிர்வாகம் பிறப்பித்த 07.10.2020 நாளிட்ட உத்தரவை இரத்து செய்து ஏற்கனவே தற்காலிக வேலை நீக்கத்தில் இருந்த 23.02.2019 முதல் 24.03.2019 வரையுள்ள 30 நாட்களை விடுப்பாக கருதவும் என்ற உத்தரவினை ரத்து செய்து அதனால் கிடைக்கக்கூடிய பணம் மற்றும் சட்டப்பலன்களை நிர்வாகம் மனுதாரருக்கு வழங்கிட வேண்டுமென்ற தொழிற்சங்கத்தின் கோரிக்கை நியாயமானது தானா? ஆம் எனில் உரிய உத்தரவுகள் பிறப்பிக்கவும்”

3. The petitioner submits that the enquiry conducted is in violation of the principles of natural justice, hence the enquiry is not fair and proper, further the criminal court in C.C. No.183/2021 by judgment dated 30.01.2023 has acquitted the

petitioner member holding that the charges were not proved, and that even in the motor accident claim proceedings the respondent management has taken a stand that there was no fault on the part of the petitioner member; it is further submitted that imposition of two punishments for a single charge is illegal, that withholding of increment for five years with cumulative effect is excessive and unsupported by service regulations, and that treating the suspension period as leave amounts to an additional punishment. The impugned order is therefore arbitrary, disproportionate, and contrary to law, causing serious financial loss affecting terminal benefits and mental hardship to the petitioner member. Hence, it is prayed that this Hon'ble Court may be pleased to set aside the order dated 07.10.2020 and direct the respondent management to restore all service and monetary benefits to the petitioner member, along with such other reliefs as this Hon'ble Court may deem fit in the circumstances of the case.

4. Counter averments in brief :

The petitioner union member, Thiru.A.Krishnamoorthy (Emp.No.C21132), is working as a Driver at Mettupalayam-II Branch and has approached this Court seeking to set aside the order dated 07.10.2020, whereby his annual increment was deferred with cumulative effect and the period of suspension from 23.02.2019 to 24.03.2019 was treated as leave, along with consequential monetary benefits. It is submitted that on 22.02.2019, while driving bus bearing Registration No.

TN38-N-2865 from Trichy towards Tiruppur, the petitioner drove the vehicle in a rash and negligent manner near Veerarakkiyam Bypass Road and collided with a two-wheeler (TVS XL), resulting in the death of the rider on the spot and the subsequent death of the pillion rider due to injuries. The Branch Manager's field inspection report and the FIR registered by the police clearly establish that the accident occurred due to the petitioner's rash and negligent driving and that, had he exercised due caution, the accident could have been avoided. A charge memo dated 25.03.2019 was issued under Standing Orders 14(a) and 14(ad), and the petitioner was placed under suspension with effect from 23.02.2019. Though he denied the charges in his explanation dated 23.04.2019, attributing fault to the two-wheeler rider, the same was not accepted. A domestic enquiry was conducted on multiple dates, and the Enquiry Officer, in his report dated 05.12.2019, found the charges proved, observing that the petitioner failed to cross-examine witnesses and that the accident occurred at a junction where speed ought to have been reduced. The enquiry report was furnished to the petitioner, and after considering his explanation, which was found unsatisfactory, the respondent passed the order dated 07.10.2020 deferring the petitioner's increment for five years with cumulative effect and treating the suspension period as leave, while also advising him to be cautious in future. Though the petitioner was given an opportunity to prefer an appeal within 60 days, he submitted the same belatedly on 18.07.2023, and the same was rejected by the order dated 25.09.2023 confirming the punishment. It is further submitted that the

respondent is a public transport undertaking where discipline and adherence to safety norms are essential, and any lapse, especially resulting in loss of human lives, must be dealt with strictly in accordance with law. The allegations of mala fide or victimization are denied, and it is submitted that the entire disciplinary process was conducted in compliance with the principles of natural justice, providing sufficient opportunity to the petitioner. The petitioner's negligent act has resulted in loss of two lives and exposed the respondent to compensation liability, and therefore, the punishment imposed is justified and proportionate. Hence, the petition is devoid of merits and is liable to be dismissed in limine.

5. Since a domestic enquiry was conducted, preliminary issue is framed as follows regarding the fairness of the enquiry and the correctness of the findings of the Enquiry Officer.

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

6. No oral evidence is adduced on either side. By consent Ex.W1 is marked on the side of the petitioner and Ex.M1 to M13 documents are marked on the side of respondent.

7. Answer to the Point :

The learned counsel for the petitioner submitted that, at the place of accident, at the time accident the rider of the two wheeler along with the Pillion rider

suddenly crossed the National High Way running towards east to west without any care and caution from north south and invited the accident. More so the charge memo also discloses that while the rider of the two wheeler was trying to cross the road, the accident occurred and further submitted that without any basis the Union member was placed under suspension and therefore the act of the respondent is not sustainable in law. Again submitted that without considering the explanation of the Union member dated 23.04.2019 the respondent conducted a domestic enquiry by appointing his own officer and the enquiry officer in a biased manner conducted the enquiry, that too, on a single day and find against the union member and therefore the appointment of own officer as enquiry officer, the non consideration of the fact that the negligent act of the rider is the cause for the accident and the enquiry was conducted on a single day itself, it is evident that the domestic enquiry conducted by the respondent is not proper and it is in valid in law.

8. The learned counsel for the respondent submitted that the accident occurred due to the rash and negligent act of the union member, based on the report of the branch manager and the averments in the first information report, charge memo was issued on 25.03.2019 and not satisfied with the reply of the union member, conducted domestic enquiry, thereafter notice was issued to the union member along with copy of enquiry report, after receiving the reply of the union member on 05.03.2020, 2nd show cause notice was issued on 03.06.2020 and not satisfied with

the reply, the order of the punishment was passed on 07.10.2020, hence urged that the domestic enquiry conducted by the respondent is fair and proper.

9. Addmidely the enquiry officer Thiru.Sonaimuthu is an officer of the respondent. Since the enquiry officer is serving under the respondent, we cannot expect a fair and proper enquiry report from the said officer. Therefore it is decided that Ex.M5 enquiry report is suffering from official bias.

10. Ex.M5 is the enquiry proceedings and enquiry report. In 1st page of enquiry report it is recorded that the union member was questioned about the misconduct committed by him and the answer recorded by the enquiry officer is that the union member denied as well as admitted misconduct. Whether the Union member admitted the misconduct or not is not known. Therefore before commencement of enquiry the enquiry officer failed to question the union member in a fair and proper manner and therefore it is decided that the enquiry conducted by the enquiry officer is not proper.

11. As I said earlier Ex.M5 also contain the report of the enquiry officer dated 13.11.2019, Ex.M5 enquiry proceedings and enquiry report discloses that the union member was questioned, evidence of respondent side and union member side are recorded and the finding is delivered on a single day itself i.e., on 13.11.2019. In the domest enquiry proceedings after questioning the union member the enquiry officer is

bound to give some time for the examination of witness on the side of the management and after completion of examination of management side, the enquiry officer is bound to provide some time for the evidence of the union member and thereafter after hearing both sides the enquiry officer can deliver the finding. But in the present case the enquiry officer started enquiry on 13.11.2019 itself and delivered the enquiry report on the same day itself. Therefore it is decided that the enquiry conducted by the enquiry officer is against the principle of natural justice and not at all fair and proper.

12. Ex.M5 enquiry report discloses that to prove the rash and negligent act of the union member the evidence and the accident report of the branch manager of the respondent is pressed into service and to disprove the plea of the respondent, the union member himself is examined as defence witness. The report further discloses that the witness examined on either side are not cross examined. Branch Manager is not a witness to the occurrence. On the contrary the union member in alleged accident involved in the case and he himself is an eye witness. Since the evidence of the union member who is a witness to the occurrence is not cross examined by the respondent, the evidence of union member can be accepted and acted upon. It is very evident from the evidence of the union member that the rider of the two wheeler without noticing the bus proceedings from east to west on the national highway suddenly crossed the road from north to south and invited the accident. The evidence of the union member is unchallenged and therefore there is no valid reason to reject

his evidence. While the rider of the two wheeler is trying to cross the national high way, it is the duty of the rider to cross the road with care and caution. The enquiry officer himself admitted that if the rider of the two wheeler crossed the road with due care, the accident could have been averted. Further the enquiry officer observed that since the union member is driving the heavy vehicle it is his duty to take extra care while driving the vehicle and since he failed to take extra care he is the cause for the accident. The said finding of the enquiry officer is erroneous in law.

13. Hence, as per the discussion made above it is decided that the enquiry conducted by the respondent is not proper and valid and the point is accordingly.

In the result, the domestic enquiry conducted by the respondent is not fair and valid and hence the same is set aside.

For further proceedings call on 20.04.2026.

(Dictated to the Steno-Typist and computerised by her, corrected and pronounced by me on this, the 17th 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 :

Exhibits	Documents	Date	Remarks
Ex.W1	Judgment in CC. No. 183/2021 by the District Munsif cum Judicial Magistrate, Krishnarayapuram	30.01.2023	Xerox

Respondent side :

Exhibits	Documents	Date	Remarks
Ex. M1	Detailed accident report by the Branch Manager	28.02.2019	Xerox
Ex. M2	Copy of the First Information Report in FIR No. 44/2019 on the file of Mayanoor Police Station.	22.02.2019	Xerox
Ex. M3	Charge memo issued to the petitioner member	25.03.2019	Xerox
Ex. M4	Explanation given by the petitioner member to the respondent	23.04.2019	Xerox
Ex. M5	Domestic enquiry proceedings and enquiry report.	-	Xerox
Ex. M6	Memo issued to the petitioner member	11.02.2020	Xerox
Ex. M7	Letter issued by the petitioner member to the respondent	05.03.2020	Xerox
Ex. M8	Notice issued to the petitioner member	03.06.2020	Xerox
Ex. M9	Reply submitted by the petitioner member to the notice of the respondent management in 1/G5/29/த.அ.பொ.க/2019	25.09.2020	Xerox
Ex. M10	Punishment Order	07.10.2020	Xerox
Ex. M11	Letter of the petitioner member to the respondent	18.07.2023	Xerox
Ex. M12	Further order	25.09.2023	Xerox
Ex. M13	Punishment record sheet	-	Xerox

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