



**BEFORE THE PRINCIPAL LABOUR COURT, VELLORE,
VELLORE DISTRICT.**

**PRESENT : Tmt. A.Packia Jothi, M.L.,
Presiding Officer.**

Monday, the 31st day of August, 2026

**I.D. No.8 of 2026
(CNR No.TNVL02-000038-2026)**

North Arcot General Labour Federation,
Regn.No.285/NAT,
No.5, Amirthalinga Swamy Sannathi Street,
Kosapet,
Vellore – 632 001.

. . .

Petitioner

Versus

The Management,
Tamilnadu Government Transport Corporation (Villupuram) Limited,
Tiruvannamalai Region,
Vengikkal,
Tiruvannamalai,
Tiruvannamalai District.

. . .

Respondent

This above reference came up for final hearing on 27.06.2026 in the presence of Thiru.A.Suresh Babu, the Authorized Representative for the Petitioner and Thiru.Dr.G.Devaraj, the Advocate for the Respondent, upon hearing the arguments of both side and upon perusing the entire material case records and having stood over for consideration till this date, this Court delivered the following:-



AWARD

The Government reference made under Section 10(1)(c) and 10(1)(d) of Industrial Disputes Act 1947 as given in G.O. (D).No.219, Labour and Employment (B2) Department, dated 13.03.2026.

The Union raised the Industrial Dispute before the Assistant Commissioner of Labour. In the conciliation proceedings no settlement was arrived, hence the Assistant Commissioner of Labour, Vellore recorded a failure report and sent the report to the Government. In continuation of the same, The Labour Welfare and Skill Development (B2) Department by its G.O.(D). No.219, dated 13.03.2026, referred the issue for adjudication by this court.

The Government by the above order has requested the court to decide the validity of the demand of the Union. The demand of the petitioner Union was that one Mr.R.Govindasamy being the Driver of the respondent corporation has been imposed with the punishment of stoppage of annual increment for three years and the suspension period to be considered as eligible leave period by the order of the respondent corporation dated 19.11.2020 is valid or not?



On receipt of the government order this court issued notices to both the parties. Both the parties filed their claim petition and written statement respectively.

1. Claim Statement averments in brief:-

The petitioner union has filed this petition stating that one of its member Mr.R.Govindasamy is working in Tamil Nadu Government State Transport Corporation as Driver and false charge has been foisted and disciplinary proceedings were conducted and he has been punished by stoppage of annual increment for three years with cumulative effect. On 01.11.2019 in Route No.123/J, Regn. No.TN-21-N-1305 in Arni to Tiruvannamalai Route, when the bus was proceeding near Pudumallavadi Bus Stop Junction Road, a pedestrian tried to cross the road from left side to right side, dashed on the left side of the bus, fell down on the road, sustained injuries and died during the treatment. So on 05.12.2019 charge memo has been issued to R.Govindasamy. The said R.Govindasamy has given reply by denying the charges leveled against him which was not accepted by the Tamil Nadu State Transport Corporation, disciplinary proceedings were initiated and Thiru.R.Govindasamy appeared and deposed before the Enquiry Officer. On the side of the corporation Thiru.Prabakaran, Assistant Engineer was examined and the Enquiry



Officer decided that all the charges were proved. The annual increment was stopped for four years with cumulative effect and proposed final order has been passed. The claimant claims to set aside the order on the grounds that the claimant's evidence was not considered and documents were not perused properly and sufficient witness was not examined and the Enquiry Officer has acted in favour of the respondent corporation. Hence, the final order has to be set aside.

The claimant is a member of the North Arcot District General Labour Federation and so the order dated 19.11.2020 has to be set aside and so resolution has been passed on 02.06.2024 in the General Body Meeting conducted and the matter has been referred to the Assistant Commissioner of Labour, Vellore under Section 2(K) of the I.D.Act. The respondent has participated in the conciliation before the Assistant Labour Commissioner, no settlement has been arrived and the Assistant Labour Commissioner directed the claimant to approach the labour court. The Tamil Nadu Government referred the matter to this court for adjudication. Hence, the General Secretary of the petitioner union has filed this petition to set aside the respondent's final order dated 19.11.2020 and order to grant back monetary benefits to the claimant.



2. Written Statement averments in brief:-

This respondent has filed written statement stating that the claimant was irregular while on duty on 01.07.2013, 08.01.2014, on 25.10.2017 failed to make entry in timing chart, caused revenue loss to the corporation, on 13.11.2018 caused damage to tyre and on 01.11.2019 caused fatal accident. On 01.11.2019, the claimant has driven the bus bearing Regn.No.TN-21-N-1305 from Arni to Adyar via Tiruvannamalai, near Pudumallavadi bus stop, a pedestrian tried to cross the road from East to West, the claimant hit against the pedestrian, he fell down got head injury and died on the spot. This accident occurred due to the rash and negligent act of the claimant and caused loss to the respondent corporation, hence the claimant was temporarily suspended on 01.11.2019 and charge memo was also issued on 05.12.2019. The claimant or the petitioner union has not taken any steps to prove the averments of this claimant statement, charge memo and also in the criminal case filed against the claimant by the police. Even though the claimant was issued with show cause notice, he has not taken any steps to prove that he is not responsible for the fatal accident. For the offence and charge against the claimant he has to be punished by stoppage of annual increment upto five years permanently or permanently suspended from service, but the respondent passed the final order of stoppage of annual increment for three years with cumulative effect and the suspension period has been treated as



eligible leave period. Hence the punishment given to the claimant cannot be altered. The claimant has been the reason for loss of revenue to the Tamil Nadu State Transport Corporation. This petition is not maintainable and has to be dismissed.

3. On the side of Petitioner, no oral evidence was endorsed and no documents were marked. On the side of respondent, one Mr.Rajakumaran, examined himself as MW1 and through him Ex.M1 and M11 were marked.

4. The issue to be decided as stated in the Government reference is as follows:

The demand of the petitioner union is that to set aside the order of the respondent corporation against one Mr.R.Govindasamy, Driver by stoppage of annual increment for period of three years with cumulative effect and to consider the suspension period as eligible leave period is valid or not?

5. Issue :-

It is the case of the petitioner union that Thiru.R.Govindasamy is working as Driver and on 01.11.2019 in Route No.123/J, bus bearing Regn.No.TN-21-N-1305, when the bus was proceeding from Arni to Tiruvannamalai in Pudumallavadi Bus Stop Junction Road, when a person



tried to cross the road from the left side of the road to the right side, he dashed the left side of the bus and he fell down and sustained injuries in the head and died. Charge Memo has been issued on 05.12.2019. Domestic enquiry has been conducted and he has deposed before the Enquiry Officer. The Enquiry Officer has given a finding that the charge has been proved and he has been imposed punishment of stoppage of increment for three years. He has been called upon to offer his explanation and on 19.11.2020 final order has been passed and stoppage of increment has been ordered for three years with cumulative effect and the suspension period has been treated as eligible leave period. The claimant objected the final order on the ground that the Enquiry Officer has not gone through the deposition and documents produced by the claimant, passengers who traveled in the bus has not been examined. Hence, the final order has to be set aside.

It is the case of the respondent that the claimant has been irregular while on duty on 01.07.2013, again on 08.01.2014 he has been irregular while on duty. On 08.01.2014 he has been irregular while on duty. On 25.10.2017 he failed to make entry in timing chart and caused revenue loss to the corporation and violated the rule of the corporation. On 13.11.2018 he has caused damage to the front right tyre and on 01.11.2019 he has caused fatal accident. He has been imposed punishment. The claimant had driven the bus bearing Regn.No.TN-21-N-1305 and dashed against the



pedestrian who tried to cross the road from East to West and he died on the spot. He has been suspended from the service on 01.11.2019 and charge memo has been issued on 05.12.2019. He has given the reply and domestic enquiry has been ordered and the Enquiry Officer has found that the claimant has been the cause for the accident. Stoppage of increment has been ordered for three years with cumulative effect.

The claimant has driven the bus bearing Regn.No.TN-21-N-1305 in route No.123/J in Mallavadi Bus Stop on 01.11.2019 at 05.45 a.m. The driver had dashed against the pedestrian who had crossed the road from the left side to right side and died on the spot. The report about the accident is marked as Ex.M1. Subsequently on 01.11.2019 FIR has been registered in Cr.No.758/2019 for commission of offence under Section 279, 304A of I.P.C. The FIR is marked as Ex.M2. The Inspector has given a report to the General Manager. In the report it is stated that in Pudumallawadi bus stop Vaiyapuri, aged 60 years had tried to cross road from the East to the West, the front side of the bus dashed against the pedestrian who fell down and sustained injuries in the head and died. According to the Inspector report the claimant's rash and negligent driving has been the cause of the accident. This report is marked as Ex.M3. The driver R.Govindasamy on 01.11.2019 had addressed the Inspector stating that at 05.45 a.m. in Mallawadi Junction Road bus stop, one pedestrian without noticing the bus



tried to cross the road, he had applied brakes, but the pedestrian fell on the road. This explanation is marked as Ex.M4. The conductor has also given the same report. Both of them on 01.11.2019 itself have taken a view that the pedestrian had mental disability. The explanation given by the conductor is marked as Ex.M5. On 01.11.2019 itself the claimant has been placed on suspension. The suspension order is marked as Ex.M6. Charge memo has been served on 05.12.2019. The charge memo is Ex.M7. On 23.12.2019 the claimant has given an explanation that he had driven the vehicle by following the rules and regulation and at 05.45 a.m. in Mallawadi Junction Road Bus Stop, a pedestrian without noticing the bus tried to cross the road, he applied brake but the pedestrian fell on the road. He came to know that the pedestrian is a mentally retarded person and the accident has taken place due to the fault of the pedestrian. The reply is marked as Ex.M8. Domestic enquiry has been ordered and the domestic enquiry has been conducted. In the enquiry the claimant has cross examined the management side witness and he has put forward a question stating that the Village Administrative Officer has given a Certificate that the pedestrian is mentally ill for which the management side witness has replied that it can be so and the claimant who is a trained driver should have exercised extra caution while driving the vehicle. So the Village Administrative Officer has given a certificate stating that the pedestrian is mentally ill, but the management has not placed the documents before this



court and the Enquiry Officer has given his report and in the report he has mentioned that the claimant was not cross examined by the management side witness, which means that the management accepts the case of the claimant. The charges have been proved. The enquiry report is marked as Ex.M10 and final order has been passed on 12.11.2020. Punishment has been imposed and stoppage of increment has been ordered for four years and the suspension period has to be taken as leave period. The claimant has been called upon to offer his explanation and stoppage of increment of three years with cumulative effect and the suspension period had to be considered as leave period after considering his explanation. The final order has been marked as Ex.M11. The enquiry report reveals that the pedestrian who crossed the road is a mentally ill person and Village Administrative Officer report has been produced to prove the same. The claimant has been found not guilty for commission of offence under Section 279, 304A of I.P.C. in C.C.No.19/2024, on the file of Judicial Magistrate No.2, Tiruvannamalai. A mentally ill person cannot be expected to cross the road by following the traffic rules, he would not have anticipated the approaching bus and he has crossed the road which resulted in the accident. The claimant is expected to be more cautious while driving the bus because of cognitive impairments the pedestrian cannot safely navigate the traffic independently, but the driver has to remain vigilant around vulnerable pedestrian. But there has been an error of judgment by



the driver and it is not an intentional act. The Enquiry Officer without considering the evidence of the management witness in the enquiry admitting the pedestrian to be mentally ill has come to a conclusion that the charges leveled against the claimant has been proved. In C.C.No.19/2024, the pedestrian's brother Thiru.Srinivasan has been examined as PW1, he admits that his brother is mentally ill. In such circumstances, the punishment is grossly dis-appropriate. **The Hon'ble High Court of Gauhati in CDJ 2025 Assam HC page 071 in Parag Jyoti Nath Versus The Union of India, Represented by the Home Secretary to the Government of India, New Delhi & Others in para 22 to 25** has held as follows:

22. Thus, what can be crystalised from the above discussion is that on the relevant date i.e. on 30.11.2017, the petitioner, after returning to his camp, having performed his duties continuously for three days as „Quarter-Guard“, he took four pegs of wine in the force's canteen with a view to get relaxed. It is not the case of the respondent authority that he had consumed liquor at the duty hours and nothing was recovered from the Morcha, where he was performing his duty. It is an admitted fact that he consumed four pegs of wine, with a view to relax, in the force canteen. Thereafter, while he was taking rest then again he was asked to attend duty at VIP Gate for two hours from 07:00 pm to 09:00 pm. During which period he was found lying unconscious in the floor of the Morcha.



The contention of the petitioner that as a result of exhaustion in discharging his duty for whole day, he could not remain stand and he fell down on the ground remained un-traversed by the respondent authority. Besides, during departmental inquiry, the petitioner was not properly represented and due to lack of proper advice and guidance the petitioner did not even cross-examine the witnesses, not to speak of adducing witness. Besides, his unit members were scared to give evidence in his favour on the face of scary eyes of senior officers in his defense. Throughout the inquiry he had only admitted having consumed liquor. Thus, it cannot be said that the petitioner had received a fair treatment to meet the case against him as held by the Hon^{ble} Supreme Court in the case of A.K. Chopra (Supra).

23. In the backdrop of above facts and circumstances, the punishment of dismissal from service, so imposed by the respondent No. 3, upon the petitioner, appears to be grossly disproportionate. It is not in dispute that on previous occasion also one disciplinary proceeding was initiated against him for consumption of liquor and misbehaved with his Company Commander and cocked his personal weapon with wrong intention. During the course of inquiry, the charges leveled against him were proved. Accordingly, after taking into account his 10 years long service and family problems, a lenient view was taken to award minor punishment of withholding of increment for one year without cumulative effect vide Order dated 15.07.2016.



24. Though Mr. Parasar, learned CGC submits that the punishment is commensurate with the gravity of the article of charge, yet, the said submission left this Court unimpressed. This Court is not oblivious of the requirement of being disciplined for being worked in a disciplined force, but in the given facts and circumstances on the record, this Court is unable to agree with the submission of Mr. Parasar, learned CGC that the punishment so imposed upon the petitioner commensurate with the article of charges.

25. Thus, this Court is inclined to interfere with the impugned order, dated 31.07.2018, issued by the respondent No. 4, by which the petitioner was dismissed from his service with immediate effect. Accordingly, the same stands set aside and quashed. Consequently, the petitioner shall be re-instated in service with immediate effect with all service benefits.

This decision squarely applies to the case on hand. The road accident is an error of judgement and not an intentional act by the claimant. Hence, this court deems it fit to reduce the punishment, because the punishment is shockingly disproportionate and the claimant is to be punished by stoppage of increment for three years without cumulative effect and the suspension period to be considered as eligible leave period.



Therefore the demand of the union is modified and the punishment is modified as stoppage of annual increment for three years without cumulative effect and the suspension period to be converted into eligible leave period.

Issue is answered accordingly.

In the result, the demand of the petitioner's union is modified by this court and there is no order as to costs.

Dictated to the Steno-Typist, typed directly in the Computer, corrected and pronounced by me in the Open Court, on this the 31st day of August, 2026.

**Presiding Officer,
Principal Labour Court,
Vellore.**

1. **List of Witnesses on the side of the Petitioner:-**

– Nil –

2. **List of Exhibits on the side of the Petitioner:-**

– Nil –

3. **List of Witnesses on the side of the Respondent:-**

MW1 – M.Rajakumaran



4. List of Exhibits on the side of the Respondent:

- Ex-M1 – 01.11.2019 – Copy of First Information Report regarding the accident
- Ex-M2 – 01.11.2019 – Copy of First Information Report
- Ex-M3 – 01.11.2019 – Copy of Accident Report of bus
- Ex-M4 – 01.11.2019 – Copy of Detailed explanation of the driver
- Ex-M5 – 01.11.2019 – Copy of Detailed explanation of the Conductor
- Ex-M6 – 01.11.2019 – Copy of Temporary Suspension Order
- Ex-M7 – 05.12.2019 – Copy of Charge Sheet
- Ex-M8 – 23.12.2019 – Copy of explanation of the driver
- Ex-M9 – ---- – Copy of Internal Enquiry Proceedings
- Ex-M10 – 10.09.2020 – Copy of Enquiry Report
- Ex-M11 – 12.11.2020 – Copy of Final Order

**Presiding Officer,
Principal Labour Court,
Vellore.**