



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

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

Tuesday, the 04th day of August, 2026

**I.D. No.57 of 2025
(CNR No.TNVL02-000236-2025)**

Legal Luminary Dr. Ambedkar Public Transport Union,
Reg No.TNKPMJCL 2 CHETU-50-24-00122,
Head Office : No.2040, 22nd Street,
Ambedkar Nagar,
Adambakkam,
Chennai - 600 088.

... Petitioner

Versus

Tamil Nadu State Transport Corporation (Villupuram) Limited,
Villupuram Zone,
Salamedu, Vazhuthareddy,
Villupuram,
Villupuram District – 605 602.

... Respondent

This above reference came up for final hearing on 01.08.2026 in the presence of Thiru.A.Jeevanandham, the Authorized Secretary for the Petitioner and Thiru.Dr.G.Devaraj, 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 was made under Section 10(1)(c) and 10(1)(d) of Industrial Disputes Act 1947 as given in G.O. (D).No.594, Labour Welfare and Skill Development (B2) Department, dated 16.10.2025.

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.594, dated 16.10.2025, 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.A.Annadurai being a Conductor of the respondent corporation has been imposed with punishment of postponement of increment for five years with cumulative effect to be set aside, suspension period to be considered as leave period and to disburse the monetary benefits 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.A.Annadurai, being a driver and working as permanent employee in the Ulundurpet Branch under the control of the General Manager, Assistant Manager and Branch Manager. The claimant Mr.A.Annadurai was on duty on 07.11.2015 at 11.20 p.m. in Route No.177/P/G in the bus bearing No.TN-32-N-3930 and one Mr.Ramalingam was working as Conductor of the bus. On that night at 11.20 p.m. the claimant left Chennai coming towards Salem by picking up and dropping passengers at Athur bus stand at 07.05 a.m. he was passing near Narasingapuram Saradha Higher Secondary School, he noticed that in front of him a two wheeler rider came in a high speed and he stopped bus completely. However, the two wheeler rider came without reducing the speed and dashed on the right side bumper of the bus and fell down. The claimant informed to 108 ambulance and sent him to hospital for treatment. The claimant gave a complaint before the Athur Police Station and informed the Branch Manager.



The Athur Police Station registered an FIR in Cr.No.768/2015 under Section 279, 304(A) of I.P.C. and a criminal case was taken on file at Judicial Magistrate No.1, Athur in C.C.No.22/2016, in which judgment was pronounced on 20.09.2017 and the claimant has been acquitted. But the claimant was suspended as per charge memo dated 07.11.2015. The claimant submitted his explanation on 07.11.2015. The respondent corporation conducted a domestic enquiry in eyewash manner and issued a show cause notice dated 22.02.2017. In continuance to that notice the respondent punished the claimant by postponement of increment for five years without cumulative effect with a final order dated 24.02.2017. Hence, the claimant and his family suffered a lot.

Subsequently the claimant submitted petition against the final order dated 22.12.2016 and requested to cancel the final order before the Managing Director on 06.04.2017, but the respondent corporation rejected the petition without passing any orders. The respondent corporation has not issued any document to the claimant in respect of domestic enquiry and also no chance has been given to claimant. The enquiry has been conducted in a biased manner by the respondent without following principles of natural justice.



Thereby a petition filed before the Assistant Commissioner of Labour, Vellore under the Industrial Disputes Act, 1947. In the conciliation proceedings amicable settlement was not arrived. Hence, the Assistant Commissioner of Labour, Vellore recorded failure report and sent the same to the Government. Then the Government referred the matter before this court. Hence, the petitioner union has filed this petition to set aside the order of stoppage of increment for five years with cumulative effect to be set aside, suspension period to be considered as leave period and to disburse the monetary benefits to the claimant.

2. Written Statement averments in brief:-

The respondent has filed the written statement stating that this petition has been filed by the claimant A.Annadurai through the union to set aside the punishment order dated 24.04.2017 passed by stoppage of annual increment for 5 years with cumulative effect for the accidental death done by the claimant. The claimant is working as Driver in the bus bearing Regn.No.TN-32-N-3930, on 07.11.2015 when the bus was going from Chennai to Salem, on a narrow bridge near Attur at Narasingapuram Higher Secondary School, the bus collided with a two wheeler rider coming opposite direction and hit on his head, he fell down and later admitted in hospital and died without treatment



due to the act of the claimant in an inattentive, reckless, moving with high speed and uncontrolled manner.

On receiving the complaint, FIR was registered in Cr.No.768/2015, by the Athur Police Station under Section 279, 304(A) of I.P.C. against the claimant. On hearing the above accident the Ulundurpet Branch Manager sent complaint to General Manager and disciplinary action taken against the claimant on 07.11.2015 and the claimant was suspended and suspension was revoked and training was given to the claimant on 14.12.2015. Then the claimant called for explanation and he submitted his explanation. Subsequently ordered to initiate disciplinary enquiry, internal enquiry notice issued, for that acknowledgment also received and enquiry conducted. In the enquiry both side witnesses were present and claimant also signed in the enquiry proceedings. Finally the Enquiry Officer submitted his enquiry report that the charges levelled against the claimant has been proved.

Then while passing final order based on the enquiry report, the appointing authority came to know from the entries of service register of claimant that this is second accidental death caused by the claimant and issued show cause notice to the claimant by stating why you should not have punished by stoppage of increment for five years with cumulative effect and he submitted his explanation on 22.02.2017 and final order has



been passed on 24.04.2017. In the final order it is mentioned that the claimant can file his appeal within 60 days from the date of receipt of final order before the Managing Director. At this stage, the claimant raised this Industrial Disputes Petition with a delay of 7-1/2 years which has to be dismissed as delay and latches.

Further in page No.12 of the agreement under Section 12(3) of the Industrial Disputes Act, dated 01.09.1992 it is stated that “*Sl.No.61 DISCIPLINARY ACTION IN ACCIDENT CASES – Where a driver involved in an accident and held guilty of charge in domestic enquiry, subsequently honourably acquitted in the criminal case, the decision in the disciplinary case on the same charge may be revised based on the orders of the court. However if the acquittal is by benefit of doubt, on such revision is necessary.*” Hence, as per Section 12(3) settlement dated 01.09.1992, the final order issued by the respondent corporation should not be modified.

Further the respondent incurred heavy financial loss by paying the compensation in full quit amount of Rs.49,00,000/- to the deceased family as per order passed by the Salem Court in M.C.O.P.No.3/2016, due to the accidental death done by the claimant. Thereby no chance to modify the final order passed against the claimant by the respondent corporation. This petition is not maintainable and has to be dismissed.



3. On the side of Petitioner, the claimant Thiru.A.Annamalai examined himself as WW1 and through him Ex.W1 to W12 were marked. On the side of respondent, Mr.V.Senthil Kumar, Superintendent of respondent corporation examined himself as MW1 and through him Ex.M1 to M16 were marked with consent.

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

The demand of the petitioner union to set aside the order of the respondent corporation against one Mr.A.Annadurai by postponement of the annual increment for period of five years with cumulative effect to be set aside, suspension period to be considered as leave period and to disburse the monetary benefits is valid or not?

5. Issue :-

It is the case of the petitioner that the claimant joined duty in Tamil Nadu State Transport Corporation as Driver. On 07.11.2015 at 11.20 p.m. in route No.177/P/G in the bus bearing Regn.No.TN-32-N-3930, he was the Driver and Ramalingam was the Conductor, when the bus was proceeding towards Salem at about 07.05 a.m. nearby Narasingapuram, Saradha Higher Secondary School one person had come in the opposite direction in his two wheeler in a rash and negligent manner, the claimant



has stopped the bus, the two wheeler dashed in the right side of the bumper, he fell down and claimant had informed 108 ambulance and sent him to hospital. He has lodged complaint in Athur Police station and then informed the Branch Manager, then he came to know that the rider of the two wheeler died. FIR has been registered as against claimant in Cr.No.768/2015 for commission of offence under Section 279, 304(A) I.P.C. The case has been taken on filed by the Judicial Magistrate, Athur in C.C.No.22/2016, he was found not guilty for commision of offence under Section 279, 304(A) I.P.C. and he was acquitted under Section 255(1) of Cr.P.C. On 07.11.2015 he has been served with charge memo and he has been suspended from service on 07.11.2015, he has given his explanation and charges has been framed on 14.12.2015 without asking his explanation. Enquiry was conducted and charges were proved and punishment of stoppage of increment for five years with cumulative effect was passed by final order. The enquiry has been conducted without furnishing the documents and without affording proper opportunities to him. He has not been given second show cause notice. Hence, the punishment may be set aside.

It is the case of the respondent that the claimant has driven the bus in a rash and negligent manner and he has been the cause of death of Kalaivanan, aged 33. He has been suspended in 07.11.2015, on 14.12.2015



he has again joined duty charge memo has been served and he has offered his explanation, domestic enquiry has been conducted and the charges have been proved and his tenure as Driver it was the second accident which resulted in death and the increment was stopped for five years with cumulative effect by order dated 24.04.2017 and the orders has been executed after 7-1/2 years. This case has been filed with delay. The claimant has been given sufficient opportunities to put forth his case by following the principles of natural justice.

The claimant on 07.11.2015 has addressed the Assistant Manager of Tamil Nadu Transport Corporation, Salem Division stating that on 06.11.2015 at 23.10 hours he has proceeded from Chennai to Salem and nearby Athur, Narasingapuram, he found one person in a two wheeler who was riding the vehicle in a rash and negligent manner, on seeing him the claimant has stopped the bus and the two wheeler rider dashed against the front side bumper middle portion and fell down and he was taken to hospital in an ambulance and was admitted in the hospital and he died and FIR has been registered as against him. The communication is marked Ex.W4. The General Manager by order dated 07.11.2015 has suspended him. The suspension order is marked as Ex.W5. On 14.12.2015 show cause notice was given. The show cause notice in Ex.M5. And again on 14.12.2015 the claimant's suspension has been revoked and he has been directed to undergo



training. This communication is marked as Ex.M4. The claimant has offered his explanation on 15.12.2016 by stating that he is not the cause for the accident, the rider of the two wheeler has not worn helmet and on seeing the rider of the two wheeler riding his vehicle in a rash and negligent manner he has stopped the bus and the two wheeler rider has dashed in the front side number plate and he fell down and the claimant has sent him to the hospital through 108 ambulance. Then he came to know that the two wheeler rider expired. The accident has not taken place due to his fault. He has not overtaken the vehicle. His explanation is marked as Ex.M6. His explanation has not been accepted and on 27.04.2016 domestic enquiry has been ordered. The enquiry notice is marked as Ex.M7 and the enquiry was posted on 15.12.2016. The claimant has acknowledged the notice through Ex.M8. On 15.12.2016 the enquiry has been conducted and on behalf of the respondent Thiru.Sivashankar, who is the Branch Manager has been examined, the claimant has not chosen to cross examine the witness. He has not let-in evidence on his behalf and his explanation was to be considered as his statement. This proceedings is marked as Ex.M9. The enquiry report is marked as Ex.M10 and the charges has been proved. Again show cause notice has been issued on 22.02.2017. The show cause notice is marked as Ex.M11. The claimant has replied for the show cause notice through Ex.M12. Final order has been passed on 24.04.2017 and marked as Ex.M13. The increment has been stopped for five years with



cumulative effect and period of suspension has to be treated as leave. So the enquiry proceedings has extended from 14.12.2015 till 24.04.2017. The claimant has preferred appeal and the appeal has been dismissed. The final order dated 27.08.2021 is marked Ex.M15. The claimant has been given sufficient opportunity to present his case throughout the proceedings, the enquiry has been conducted in a fair manner by following the principles of natural justice. The claimant himself admitted before this court that he has been charged with for commission of offence under Section 279, 304(A) of I.P.C. on 07.11.2015 and he has been suspended on the same day, his suspension has been revoked on 14.12.2015 and charge memo has been issued, he has given reply for the same, he admits that in the reply he has stated that two wheeler dashed in the front side and in the proof affidavit he has stated that the two wheeler dashed in the bumper. He states that enquiry has been conducted and final order has been passed, but it has been put forth that Rs.45 lakhs was awarded as compensation in motor accident case, but he was not aware of the same. He admits that it was the second time the bus which he had driven dashed against the victim which resulted in death. The Inspection Report by the Inspector reveals that the two wheeler rider had come in a proper path and the bus had tried to overtake another bus of Salem and had come from the left side of the road to the right side and the driver had failed to take note of the two wheeler coming in the opposite direction. If the claimant had noticed the two wheeler he would have



controlled the speed of the bus and the accident has been caused because of the rash and negligent driving of the claimant A.Annadurai. So the claimant has been the cause for the death of S.Kalaivanan, aged 33, who is the rider of the Hero Splender Smart vehicle, because of his rash and negligent driving of the bus. In the enquiry proceeding finding is recorded on the basis of preponderance of probability. Hence, just because the claimant has been acquitted in the criminal case, the domestic enquiry proceedings cannot be found to be false and acquitting in the criminal case does not absolve him from liability under the disciplinary jurisdiction of the corporation.

The Hon'ble Supreme Court of India in 2005 (7) SCC 764 in Ajit Kumar Nag Vs. G.M. (PJ), Indian Oil Corporation Limited in Para 11 has held as follows:

"11. As far as acquittal of the appellant by a criminal court is concerned, in our opinion, the said order does not preclude the Corporation from taking an action if it is otherwise permissible. In our judgment, the law is fairly well settled. Acquittal by a criminal court would not debar an employer from exercising power in accordance with the Rules and Regulations in force. The two proceedings, criminal and departmental, are entirely different. They operate in different fields and have different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on the



offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with the service rules. In a criminal trial, incriminating statement made by the accused in certain circumstances or before certain officers is totally inadmissible in evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. The rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused beyond reasonable doubt, he cannot be convicted by a court of law. In a departmental enquiry, on the other hand, penalty can be imposed on the delinquent on a finding recorded on the basis of preponderance of probability. Acquittal of the appellant by a Judicial Magistrate, therefore, does not ipso facto absolve him from the liability under the disciplinary jurisdiction of the Corporation. We are, therefore, unable to uphold the contention of the appellant that since he was acquitted by a criminal court, the impugned order dismissing him from service deserves to be quashed and set aside."

This decision squarely applies to the case on hand. The acquittal by the criminal court cannot be a reason to absolve him from liability under the department proceedings.



The contention of the claimant that the evidence of the management witness MW1 cannot be taken into consideration is unsustainable, because even hearsay evidence can be acted upon in disciplinary proceedings provided it has a reasonable nexus and credibility. The enquiry has been conducted by following the principles of natural justice and the findings of the Enquiry Officer is considered just and proper and the past conduct of the claimant in indulging in accident has been considered by the disciplinary authority while imposing the punishment.

The Hon'ble High Court of Madras in **CDJ 2010 MHC 6954 - The Management of Pallavan Transport Corporation Vs. Anbazhagan and Another - W.P.No.22280 / 2003 and W.P.No.49749 / 2006** in para 42 to 43 are as follows:

"42. When an employer loses the confidence upon a workman, then, in such event, the Labour Court cannot exercise its discretion in the considered opinion of this Court.

43. A court is not empowered to substitute the punishment of removal of a workman unless it shocks its judicial conscience.

44. If an enquiry is fair, a Labour Court has no power to interfere punishment as per decision General Secretary, South India Cashew Factories Workers



Union Vs. The Managing Director, Kerala State Cashew Development Corporation Limited, AIR 2006 SC 2208.

45. This Court recalls the decision of the Hon'ble Supreme Court in Mahindra & Mahindra Limited, Vs. N.B.Naravade, air 2005 sc 1993, whereby and where under it is held that 'a labour court should interfere with the punishment under section 11a of the industrial disputes act only when it is disturbing to the conscience and it is highly disproportionate to the misconduct.

46. Also, this Court aptly points out that the quantum of punishment will not be interfered with by the Labour Court unless it is perverse or unreasonable."

This decision squarely applies to the case on hand. The Enquiry Officer based on evidence and after considering the defence in proper perspective has arrived at a conclusion that the claimant was responsible for the accident and the disciplinary authority having accepted the finding has imposed the penalty which is just and proper. Hence, this court decides that there is no necessity to interfere with the punishment imposed by the Disciplinary Authority there is no perversity in the order of the disciplinary authority and there arises no necessity to set aside the orders of the disciplinary authority.

Issue is answered accordingly.



The above references made by the Government is answered accordingly.

In the result, the demand of the petitioner union is rejected 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 04th day of August, 2026.

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

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

WW1 – A.Annadurai

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

- | | | | |
|-------|---|------------|--|
| Ex-W1 | – | ---- | – Copy of Registration Certificate of the Petitioner Union |
| Ex-W2 | – | ---- | – Copy of Identity Card of the Claimant |
| Ex-W3 | – | ---- | – Copy of Aadhar Card of the Claimant |
| Ex-W4 | – | 07.11.2015 | – Copy of Explanation submitted by Claimant |
| Ex-W5 | – | 07.11.2015 | – Copy of Temporary Suspension Order |



- Ex-W6 – 28.11.2015 – Copy of Cancellation of Temporary Suspension Order
- Ex-W7 – 14.12.2015 – Copy of Charge Memo issued to the Claimant
- Ex-W8 – 22.02.2017 – Copy of Show Cause Notice issued to the Claimant by the respondent
- Ex-W9 – 06.04.2017 – Copy of Explanation submitted by Claimant
- Ex-W10 – 24.04.2017 – Copy of Final Order
- Ex-W11 – 20.09.2017 – Copy of Judgment passed in C.C.No.22/2016 on the file of the Judicial Magistrate, Athur.
- Ex-W12 – 03.04.2025 – Copy of Failure Report

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

MW1 – V.Senthil Kumar

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

- Ex-M1 – 14.07.2026 – Copy of Authorization Letter
- Ex-M2 – ---- – Copy of Inspection Report submitted by the Assistant Manager to General Manager
- Ex-M3 – 07.11.2015 – Copy of Temporary Suspension Order
- Ex-M4 – 14.12.2015 – Copy of Cancellation of Temporary Suspension Order
- Ex-M5 – 14.12.2015 – Copy of Charge Memo
- Ex-M6 – ---- – Copy of Explanation submitted by claimant
- Ex-M7 – 27.04.2018 – Copy of Internal Enquiry Notice
- Ex-M8 – ---- – Copy of Acceptance of Internal Enquiry Notice by the claimant
- Ex-M9 – ---- – Copy of Internal Enquiry Proceedings



- Ex-M10 – ---- – Copy of Enquiry Report
- Ex-M11 – 22.02.2017 – Copy of Show Cause Notice issued to the Claimant
- Ex-M12 – ---- – Copy of Explanation for the Show Cause Notice submitted by the Claimant
- Ex-M13 – 24.04.2017 – Copy of Final Order
- Ex-M14 – ---- – Copy of Appeal Petition filed by the Claimant
- Ex-M15 – 27.08.2021 – Copy of Order passed in Appeal Petition
- Ex-M16 – 01.09.1992 – Copy of Agreement under Section 12(3)

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