



W.A(MD)No.647 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A(MD)No.647 of 2021

and

C.M.P(MD)No.2860 of 2021

M.Raja

... Appellant /
Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Bypass Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Bypass Road, Dindigul.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order dated 03.09.2020 passed in W.P(MD)No.10835 of 2020 on the file of this Court.

For Appellant : Mr.R.Jothiraj

For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel



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JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

The unsuccessful writ petitioner is the appellant before us. The appellant joined the respondent corporation as driver. On 05.05.2017, the bus driven by him met with a fatal accident. As many as 7 passengers travelling in the bus died and 14 others suffered grievous injuries. The bus also sustained damage to the tune of Rs.50,000/- (Rupees Fifty Thousand only).

2.The appellant was placed under suspension vide order dated 05.05.2017. Charge memo dated 19.05.2017 was also issued. The appellant submitted his explanation on 30.05.2017. Domestic enquiry was conducted and the enquiry report was adverse to the appellant. The charge of negligent driving framed against the appellant was held to have been proved. After issuing second show cause notice dated 20.11.2017, and obtaining further representation from the appellant, the appellant was imposed with the punishment of stoppage of 5 increments with cumulative effect. The appellant was also directed to pay a sum of Rs. 50,000/- (Rupees Fifty Thousand only) towards recouping the cost of damage caused to the vehicle driven by him. Challenging the said



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punishment order dated 19.07.2018, the petitioner filed W.P(MD)No. 15106 of 2019. This Court relegated the appellant herein to avail the appeal remedy. The appeal filed by the petitioner was dismissed by the appellate authority vide order dated 19.03.2020. Challenging the said orders, the appellant filed W.P(MD)No.10835 of 2020. The learned single Judge dismissed the writ petition vide order dated 03.09.2020. Assailing the same, this Writ Appeal has been filed.

3.The learned counsel appearing for the appellant points out that following the accident, proceedings were initiated before the Motor Accident Claims Tribunal (MACT), Madurai. The respondent corporation filed counter in the said proceedings taking the stand that the entire occurrence took place on account of the negligence on the part of the driver of the other vehicle (lorry) and not on the part of the appellant herein. The specific contention of the learned counsel for the appellant is that, having taken such a stand before the Tribunal in MACT proceedings, the management cannot be allowed to resile from the said stand. In support of his contention, the learned counsel relied on the recent decision of the Hon'ble Supreme Court reported in **2025 INSC 218 (Maharashtra State Road Transport Corporation Vs Mahadeo Krishna Naik)**.



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4.Per contra, the learned Standing Counsel appearing for the corporation submitted that the order of the learned single Judge is well reasoned and that it does not call for interference.

5.We carefully considered the rival contentions and went through the materials on record.

6.It is true that the management had taken a plea before the Tribunal in the claim proceedings that its driver was not at fault. The Division Bench of this Court in ***W.A.No.2399 of 2003 (Tamil Nadu State Transport Corporation (Kumbakonam Dn-II) Limited & another Vs P.Karuppusamy)*** dated 23.11.2007 had held that once the management has taken such a stand before the Tribunal in the claim proceedings, it cannot take a U-turn and initiate disciplinary action against its driver. But this decision was specifically overruled by a Full Bench of this Court vide order dated 01.04.2024 in ***W.P.No.39563 of 2004 (V.Syril Sundararaj Vs The Presiding Officer, Labour Court, Thirunelveli & Others)***. The question of law referred to the Full Bench was formulated in the following terms:

“Whether the Management is precluded from initiating disciplinary proceedings against its driver on the



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allegation that he had caused the accident due to his rashness and negligence in driving the vehicle, in view of the contrary stand taken before the Motor Accident Claims Tribunal, wherein the Management had taken a plea that the driver was neither negligent nor rash in driving the vehicle?”

7.The Hon'ble Full Bench headed by the Hon'ble Chief Justice answered the question as follows:

“31. In the light of the above discussion we would answer the question as follows:

(i) That the Management having filed a counter in the MACT proceedings defending its driver, it does not preclude it from initiating disciplinary proceedings against the driver.

(ii) The position to the contra as laid down in TNSTC vs. Karuppusamy stands over ruled.”

When we were about to dismiss this writ appeal by applying the aforesaid Full Bench ruling, the learned counsel appearing for the appellant submitted that the Full Bench ruling should be taken as having been overruled in view of the Supreme Court decision reported in **2025 INSC 218**. We were therefore called upon to test the correctness of the said submission. To be precise, the question that calls for consideration



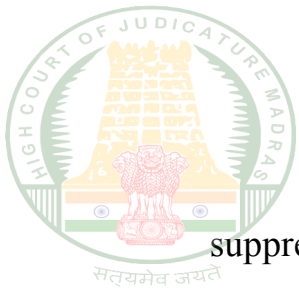
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is whether the Full Bench decision rendered in *V.Syril Sundararaj* still

holds good.

8.It is well settled that the ratio of any decision has to be culled out only in the light of the factual matrix obtaining in that case. The facts in *Mahadeo Krishna Naik* are as follows:

Mahadeo Krishna Naik, who was the respondent, was a driver employed by the Maharashtra Road Transport Corporation. The bus driven by him collided with a lorry leading to loss of lives. Proceedings were initiated by the aggrieved parties before the Claims Tribunal. Before the Tribunal, the management of the corporation contended that the lorry driver was at fault and not Mahadeo Krishna Naik. The said defence was accepted by the Tribunal and the entire liability was fastened on the lorry owner and the lorry driver. In other words, Maharashtra State Road Transport Corporation was absolved of any liability. After tasting success before the Tribunal, the State Transport Corporation wanted to throw out Mahadeo Krishna Naik from service. This was probably because Mahadeo Krishna Naik had previously been involved in as many as 7 accidents. When the employee challenged the decision of the management before the High Court, the management conveniently



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suppressed the proceedings that took place before the Claims Tribunal.

WEB COPY The Hon'ble Supreme Court took serious exception to this conduct of the management. Such deliberate withholding of relevant material and suppression of material facts were frowned upon by the Supreme Court. The Hon'ble Supreme Court noted that if corporation had not deemed it fit to throw him out earlier, it could not have done so after the latest occurrence and that too after succeeding before the Tribunal.

9.The facts of the present case are entirely different. It is not the case of the appellant that the Motor Accident Claims Tribunal (MACT) accepted the defence of the management and exonerated him from liability. We are, therefore, of the view that the decision reported in **2025 INSC 218 (Maharashtra State Road Transport Corporation Vs Mahadeo Krishna Naik)** is factually distinguishable. It is also relevant to note that Crime No.116 of 2007 was also registered under Sections 279, 337, 338, 304 of IPC against the appellant herein for negligent and reckless driving.

10.The issue can be approached from another perspective also. Proceedings pertaining to an employee can take place in three ways. He



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could be departmentally dealt with. He could be prosecuted. He could

be a respondent / defendant in civil proceedings. Let us take the case of

a driver such as the appellant. If he is guilty of negligent driving, he can

be hauled up by initiating disciplinary action. The affected parties may

initiate claim proceedings before the Motor Accidents Claims Tribunal

and along with the management, the driver concerned also will be a

respondent. The driver can be prosecuted for reckless and negligent

driving. Even though the driver can be subject matter of all the three

proceedings, the standard of proof applicable to them will not be one and

the same. The varying standards are: a) proof beyond reasonable doubt,

b) proof on the basis of preponderance of probabilities and c) some

evidence rule. It is well settled that in criminal cases, the standard of

proof is “proof beyond reasonable doubt”. “Preponderance of

probabilities” is the civil law standard. The former constitutes a higher

threshold compared to the latter. Some evidence rule ranks below the

rigour of preponderance of probabilities standard.

11.If the Claims Tribunal had come to the conclusion that the driver in question had been negligent and reckless, the driver has to necessarily get the said finding vacated by filing an appeal before the



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High Court. So long as the said finding is holding good, it is binding on the management. As already mentioned, the standard governing a civil proceeding is higher compared to a disciplinary action. If by applying a higher standard, a person is found guilty, disciplinary action has to follow as a consequence. This is notwithstanding the defence that might have been taken by the management before the Tribunal. The Hon'ble Full Bench in the aforesaid decision had explicitly held that the management is not precluded from initiating action against its employee even if it had taken a plea before the Tribunal that its employee is not at fault.

12.A person can be found guilty in a departmental proceeding but acquitted by the criminal court because of the varying standards of proof. But the converse can never be true. Acquittal by the criminal Court need not bar the employer from taking action. Nor a judgment of acquittal can automatically dislodge the adverse findings rendered in disciplinary proceedings. On the other hand, if the criminal Court had convicted the driver, disciplinary action would follow like a calf following the cow. Likewise, if the Tribunal had held that the driver is at fault, the management cannot hold otherwise. Of course, the management is at liberty to take action or not in such cases. But if it decides to take action,

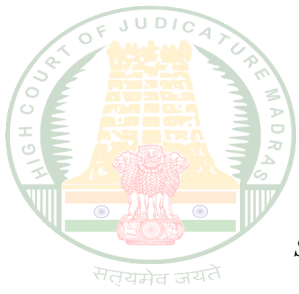


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it cannot exonerate its employee when the Tribunal had found him to be at fault. This is subject to one exception. If the driver was not made a party to the claim proceedings or he was not even examined before the Tribunal, then the field is left open and the enquiry officer can arrive at any appropriate conclusion based on the evidence adduced during enquiry. The enquiry officer need not feel bound by the findings of the Tribunal. But where the Tribunal had exonerated the driver by accepting the plea of the management, then the management cannot proceed against its employee. This would be against the principle of fair play. What matters is the outcome of the proceedings before the Tribunal and not the defence taken by the management.

13.A note on the applicable standard in departmental proceedings may be in order. The Hon'ble Supreme Court in the decision reported in **(2005) 7 SCC 764 (Ajit Kumar Nag v. Indian Oil Corpn. Ltd)** held as follows:

“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



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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 officer on a finding recorded on the basis of “preponderance of probability”.

14.It is interesting to note that a three Judges Bench of the Hon'ble Supreme Court reported in **(1995) 6 SCC 749 (B.C.Chaturvedi v. UOI)** held that when an enquiry is conducted on charges of misconduct by a public servant, the court is concerned to determine whether the findings or conclusions are based on “**some evidence**”. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein apply to a disciplinary proceeding. When the authority accepts that evidence and the conclusion receives support therefrom, the disciplinary



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authority is entitled to hold that the delinquent officer is guilty of the charge. Of course, if the conclusion or finding be such as no reasonable person would have ever reached, the court may interfere with the conclusion or the finding. This decision has been followed recently in *Syndicate Bank v. B.S.N.Prasad (2025) 3 SCC 601*. In *State of Haryana v. Rattan Singh (1997) 2 SCC 491*, Justice V.R.Krishna Iyer speaking for the Three Judge Bench, put it this way “The simple point is, was there *some evidence*” or was there no evidence – not in the sense of the technical rules governing regular court proceedings but in a fair commonsense way as men of understanding and worldly wisdom will accept. Viewed in this way, sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. The Hon'ble Supreme Court in *State of Goa v. Maria Julieta D'souza (2024) 3 SCC 523* while clarifying the distinction between burden of proof and standard of proof, observed that while enquiring into whether a fact is proved, the sufficiency of evidence is to be seen in the context of standard of proof, which in civil cases is by preponderance of probability. *Rattan Singh* forbids the writ court from going into the sufficiency of evidence. What has to be seen is only whether there is some evidence in support of the finding. We are tempted to opine that when the Hon'ble Supreme Court



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held that preponderance of probability is the standard applicable to domestic enquiry/departmental proceedings, it should be understood in the light of ***Rattan Singh and B.C.Chaturvedi***.

15.The Hon'ble Supreme Court had not adverted to the Full Bench ruling in ***Syril Sundararaj***. We hold that the Full Bench ruling has not been overruled as argued by the appellant's counsel. It holds the field and binds us.

16.This Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.P, J.]
10.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Bypass Road,
Madurai.



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G.R.SWAMINATHAN, J.

AND

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2.The General Manager,
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