



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 21654 of 2016
and
W.M.P (MD) No. 15471 of 2016

The Management,
Through the General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Regional,
No.10, Thiruvananthapuram Road,
Vannarpettai,
Tirunelveli-627 003.

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Tirunelveli.

2. The General Secretary,
Tirunelveli District Kattapommban Transport Corporation,
Labour Sangam,
Tamil Nadu State Transport Corporation,
AITUC Labour Sangam,
Registration No. 578/Tin,
TNSTC Division Officer Opposite,
AITUC Building,
Vannarapettai,
Tirunelveli-627 003.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records from the first respondent labour Court, Tirunelveli relating to the impugned award passed by its in I.D.No.66 of 2013 dated 18.09.2014 and quash the same.

For Petitioner
For R2
R1

: Mr.K.Sathiya Singh
: Mr.G.M.Xavier
: Court

ORDER

The management of TNSTC, Tirunelveli questions the award dated 18.09.2014 made in I.D.No.66 of 2013 on the file of the Labour Court, Tirunelveli. One Jeya Kumar is a member of the second



respondent trade union. He was employed as driver in the petitioner corporation. The bus which he drove on 24.08.2006 was involved in a fatal accident. In that regard, the Jeyakumar was proceeded against departmentally and the punishment of the stoppage of increment for two years with cumulative effect was imposed on him. The second respondent trade union took up his cause and the matter referred to Labour Court in the aforesaid ID. The Labour Court has given five reasons for allowing the said I.D. It was noted that no eye-witness was examined in the domestic enquiry or during the proceedings before the Labour Court. Even the conductor of the bus in question during the relevant time was not examined. The said Jeyakumar was acquitted in the criminal proceedings. Findings has been given to the effect that the deceased fell down from the bus died. Further to morally inspire the Labour Court, it was ascertained that the delinquent had not caused any accident for the preceding of 10 years.

2. In view of all these reasons, the Labour Court allowed the I.D. This Court is of the view, the reasons assigned by the Labour Court are sound in law. This writ petition stands dismissed accordingly. No costs. Consequently, W.M.P(MD)No.15471 of 2016 is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

The Labour Court, Tirunelveli

+One cc to Mr.K.Sathiyasingh, Advocate, SR.No.54015

rmi
RL/3C/2P/CVC/SAR1/2/4/2018

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