



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.09.2019**

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM**

**AND**

**THE HONOURABLE Mrs.JUSTICE R.THARANI**

W.A.(MD).Nos.1646 and 1647 of 2016

and

C.M.P.(MD).No.12432 of 2016

in

W.A(MD).No.1646 of 2016

G.Alagarsamy

... Appellant/Petitioner in both W.As

Vs.

1.The Presiding Officer,  
Labour Court, Madurai.

2.The Management of Tamil Nadu,  
Government Transport Corporation Ltd.,  
(Kumbakonam Division - II)  
Karaikudi,  
Sivagangai.

...Respondents/Respondents in both W.As

**COMMON PRAYER:** Writ Appeals filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).Nos.2055 and 2048 of 2002 dated 25.04.2014.

**COMMON PRAYER IN WP Nos.2048 and 2055 of 2002:**

Writ petitions are filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to C.P.No.29 of 1995 and C.P.No.185 of 1998 on the file of the Labour Court, Madurai, and quash the order dated 30.08.2001 in so far as denial of the claim of Rs.1,94,753.45/- and Rs.1,83,924.80/- respectively.

For Appellant

in both W.As

For R2

in both W.As

: Mr.Ajay Khose

for Mr.A.Rahul

: Mr.D.Sivaraman

**JUDGMENT**

[Judgment of this Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.Ajay Khose, learned counsel appearing for the appellant and Mr.D.Sivaraman, learned counsel appearing for the second respondent.



2. These writ appeals are taken up together as they have been filed against the common order, dated 25.04.2014 passed in W.P.(MD). Nos.2055 and 2048 of 2002. These writ petitions were filed by the workman challenging the order passed by the Labour Court, Madurai in C.P.Nos.29 of 1995 and 185 of 1998, dated 30.08.2011. The workman was not aggrieved by the order of the Labour Court in its entirety, but insofar as it denying the claim of Rs.194753.45/- and Rs.183924.80/-. These writ petitions were dismissed by the impugned order after hearing the learned counsel for the parties elaborately.

3. We perused the impugned order before us. Though the order contains 17 paragraphs, the learned Writ Court did not give any reason as to why the claim made by the appellant/writ petitioner is not sustainable. All that the Court has observed that the appellant/writ petitioner committed a fatal accident, while he was undergoing probation and he was convicted by the Criminal Court for rash and negligent driving and committing a fatal accident. On this ground alone, these writ petitions have been dismissed. The workman does not deny the fact that there was a fatal accident, but in the writ petition, the grounds have been raised as to what error was committed by the Labour Court, which according to the appellant, is an error which is apparent on the face of the order. Therefore, the Writ Court was required to adjudicate the grounds raised, no doubt, it cannot reappreciate the evidence and the scope of the interference under Article 226 of the Constitution of India has been clearly circumscribed in several decisions. As we find that the writ Court did not endeavour to make any such exercise, the impugned order before us has to be necessarily interfered.

4. For such reasons, these writ appeals are allowed and the order passed in W.P.(MD).Nos.2048 and 2055 of 2002, dated 25.04.2014 are set aside and the writ petitions are restored to file and the learned Single Bench to hear the matter and decide the same afresh, in the light of the order passed by us in the above appeals. No costs. Consequently, connected miscellaneous petition is closed.

5. Since the writ petitions are of the year 2002, the Registry is directed to list the matter before the appropriate Court, for hearing such matters before the appropriate Court on 30.10.2019.

Sd/-

Assistant Registrar ( )

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Presiding Officer,  
Labour Court,  
Madurai.

2.The Management of Tamil Nadu,  
Government Transport Corporation Ltd.,  
(Kumbakonam Division - II)  
Karaikudi,  
Sivagangai.

3.The Section Officer,Writ Section,  
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to Mr.A.RAHUL Advocate SR.No.89516

+1. C.C. to Mr.D.SIVARAMAN Advocate SR.No.89453

**ORDER MADE IN**

**W.A. (MD) .Nos.1646 and 1647 of 2016 and**

**C.M.P. (MD) .No.12432 of 2016 in**

**W.A (MD) .No.1646 of 2016**

**NS**

**TK/15.10.2019/3P/6C**