



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.23600 of 2018

and

W.M.P.No.27546 of 2018

M.Kandavel

... Petitioner

Vs

The General Manager
Tamil Nadu State Transport Corporation Ltd.,
Cuddalore Region, Cuddalore-2.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records relating to the order passed in I.D.No.33 of 2016 on the file of the Presiding Officer, Labour Court, Cuddalore dated 20.12.2017 and quash the same.

For Petitioner : Mr.R.Muralidharan

For Respondent : Mr.G.Saravana Kumar
Standing Counsel

ORDER

The petitioner herein, while employed as a Driver in the respondent Corporation, had caused a road accident on 30.08.2015, wherein two motor cyclists died. The Labour Court had found that there was rash and negligene on the part of the driver and accordingly rejected the Industrial Dispute raised by him. The present writ petition is against the dismissal award.

2. The learned counsel for the petitioner drew attention of this Court to the evidence of the Management Witness No.1 and submitted that the accident occurred owing to the negligence of the motor cyclists and therefore the Labour Court was not correct in coming to the conclusion that, the negligence was on the part of the driver of the bus.

3. The learned Standing Counsel for the respondent Corporation on the other hand would submit that, all the evidences have been considered by the Labour Court, based on which the rash and negligence on the part of the driver has been



established. He would further submit that, the petitioner herein was earlier dealt with for similar fatal accidents on two occasions and therefore sought for dismissal of the present writ petition.

4. It is a settled proposition of law that this Court, exercising its powers under Article 226 of the Constitution of India, will not re-appreciate the evidences let in before the Labour Court while dealing with the Award passed therein. The present ground raised by the petitioner is one which indicates re-appreciation of evidence. Even otherwise, the Award of the Labour Court evidences that the decision of implicating rash and negligence on the part of the driver of the bus was based on the accident report (Management Exhibit No.9) and the oral evidences let in. It is on this basis that the Labour Court had come to the conclusion that the driver of the vehicle, while turning from the road into the hospital ought to have noticed the two wheeler and failure to notice the same amounts to rash and negligence. As such, it cannot be said that the Labour Court has come to the conclusion in the absence of any evidence. Moreover, this is the third occasion where the driver had indulged in fatal accidents and hence the punishment of dismissal from service cannot be said to be disproportionate to the charges.

5. For all the foregoing reasons, I do not find any merits in this writ petition. Accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

KST

To

1.The General Manager
Tamil Nadu State Transport Corporation Ltd.,
Cuddalore Region, Cuddalore-2.

2.The Presiding officer,
Labour Court, Cuddalore.

+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.1548

+1cc to Mr.R.Muralidharan, Advocate, S.R.No.2152

W.P.No.23600 of 2018

BP(CO)
SB(25/02/2022)