



W.A.(MD).No.606 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2022

CORAM:

**THE HONOURABLE MR.JUSTICE S.S. SUNDAR
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A.(MD).No.606 of 2022
and
C.M.P.(MD).No.5122 of 2022**

The Management,
Tamil Nadu State Transport Corporation,
Nagercoil Division,
Ranithottam,
Nagercoil.

... Appellant

Vs.

1.The Presiding Officer,
Labour Court,
Tirunelveli.

2.S.Ramesh (Driver),
represented by his General Secretary,
Kamaraj Nadar Employees Union,
Registration No.537/KKM,
Nagercoil Region,
Nagercoil.

... Respondents

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed in W.P.(MD).No.19339 of 2017, dated 12.03.2019.



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For Appellant : Mr.R.Rajamohan
For R2 : Mr.M.Dennis Joe

J U D G M E N T

(Judgment of the Court was delivered by S.S.SUNDAR.J.,)

This appeal is directed against the order of the learned single Judge dismissing the writ petition filed by the appellant in W.P.(MD).No.19339 of 2017, dated 12.03.2019.

2. Heard Mr.R.Rajamohan, learned counsel for the appellant and Mr.M.Dennis Joe, learned counsel for the second respondent.

3. The second respondent is working as a Driver under the appellant Transport Corporation. As against the order of punishment of three years increment cut with cumulative effect, by order dated 26.05.2011, the second respondent raised an industrial dispute before the Labour Court. The Labour Court, Tirunelveli by order dated 27.02.2017 in I.D.No.31 of 2016, set aside the order of punishment. As against the award of Labour Court, the appellant Transport Corporation has filed the writ petition in W.P.(MD).No.19339 of



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2017. The learned single Judge of this Court dismissed the writ petition mainly on the ground that the second respondent was acquitted in the criminal case and there is no evidence let in before the Labour Court to prove the charge. It is also noticed by the learned single Judge that the appellant Transport Corporation has filed a counter statement before the Motor Accident Claims Tribunal in M.C.O.P.No.74 of 2012 and taken a specific stand that the second respondent was not responsible for the accident.

4. Before this Court also there is no evidence indicating that the Management had examined anyone independently to prove the misconduct of the second respondent. It is admitted that the charges were framed against the second respondent only on account of the accident caused by the second respondent. In such circumstances, after the second respondent was acquitted by the criminal Court, unless the Department had examined or filed any independent evidence to prove the misconduct, it is not possible for imposing punishment by alleging that the second respondent had driven the bus in a rash and negligent manner and caused the accident. It is also admitted before this Court that the appellant Transport Corporation has not even produced before the Labour Court the enquiry report to show that the Management had reasons to held the charges as proved against the second respondent.



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5. For the reasons stated by the learned single Judge and the discussion above, this Court is unable to find any irregularity or illegality in the order of the learned single Judge. Hence, this Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

[S.S.S.R.J.] [S.S.Y.J.]
28.06.2022

Index : Yes / No
Internet: Yes / No

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To

The Presiding Officer,
Labour Court,
Tirunelveli.



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