



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD) No.5843 of 2014,
M.P. (MD) No.1 of 2014
and
W.M.P. (MD) No.12492 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Division II) Limited,
Periyamilaguparai,
Tiruchirapalli.

... Petitioner

vs.

1.The Presiding Officer,
Labour Court,
Tiruchirapalli.

2.A.Balakrishnan

3.The Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the 1st respondent herein, dated 25.07.2012, in I.D.No.213 of 2003 and to quash the same.

For Petitioner : Mr.D.Sivaraman

For R1 : Labour Court

For R2 : Mr.G.Purusothaman

For R3 : M/s.D.Farjana Ghoushia
Special Government Pleader

O R D E R

This writ petition is filed for issuance of a writ of Certiorari, to call for the records relating to the impugned order passed by the 1st respondent herein, dated 25.07.2012, in I.D.No.213 of 2003 and to quash the same.



2.The Labour Court has held that the enquiry was not conducted properly, a fair opportunity was not granted to the delinquent. However, the Labour Court has taken the judgment passed in M.C.O.P. and has come to the conclusion that the delinquent has not committed the accident and there is no rash and negligent driving. It is also seen from the order passed by the Labour Court that the evidence was not properly appreciated. Since the Labour Court has held that the deceased has dashed on the right side front step of the bus. There is no steps on the right side of the bus. Therefore, evidence is perverse.

3.Therefore, this Court is of the considered opinion that the matter has to be remitted back. Hence, the matter is remitted to the Labour Court. The parties are at liberty to adduce the evidence and make additional evidence, if necessary. After granting appropriate opportunity, the Labour Court is directed to decide the issues raised by the petitioner as well as the 2nd respondent. The said enquiry shall be concluded within a period of two months from the date of receipt of a copy of this order. **(*)Deleted**

4.With the above said observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (R)

(*)Corrected as per the order of this Court dated 22.12.2022 made in WP(MD) No.5843/2014.

Sd/-

Assistant Registrar (R)

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

Tmg

To

To be substituted to the order already despatched on 08/12/2022.

1.The Presiding Officer,
Labour Court,
Tiruchirapalli.

2.The Secretary to Government,
Transport Department,
Fort St.George,

<https://www.mhc.gov.in/judis> - 600 009.



W.P.(MD)/



14.

Copy to:

1.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 copies)

2.The Section Officer,
Writ Section (Records),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SPL.GP (SR-55578[F] dated 17/11/2022)

W.P. (MD)No.5843 of 2014
16.11.2022

ED(06.12.2022) 3P 7C
SS(03/01/2023 3P 7C