



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2023

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24384 of 2015

M.Krishnamuthy

... Petitioner

Vs.

1.The Management,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Thiruvannamalai Region,
Vengikal, Thiruvannamalai District.

2. The Labour Court,
Vellore.

... Respondents

Prayer: Writ Petition filed under article 226 of the Constitution of India, to issue a writ of certiorarified Mandamus to call the records of the 2nd respondent dated 23.02.2015 and made in I.D.No.160 of 2014 and quash the same and direct the first respondent to employ the petitioner.

For Petitioner : M/s.M.Selvam

For Respondents : Ms.S.Pavithra, Standing Counsel for R1

ORDER

This Writ Petition has been filed by the petitioner challenging



the order passed by the second respondent in I.D.No.160 of 2014 dated 23.02.2015 thereby dismissing the dispute raised by the petitioner

2. The petitioner was appointed as a Driver by the first respondent on 21.03.2008 as a reserve crew. However, he worked as a regular Driver continuously for 240 days. While being so on 24.04.2012 when the petitioner was driving a bus bearing Registration No.TN-23-N-2151 from Tiruvannamalai to Thiruvadathanur on Vettalvalam Road, at that time, a motor cyclist was hit by the petitioner, due to which, he lost his control, fell down and sustained grievous injuries and succumbed to death. Consequently, the petitioner was terminated from service and he raised dispute before the Labour Court and the same was dismissed by the second respondent.

3. The learned counsel for the petitioner would submit that petitioner had completed 240 days of continuous service from 25.03.2008 to 25.04.2012. Without following the provision under Section 25 F of the Industrial Disputes Act, the petitioner was terminated from service without conducting any enquiry. A Criminal case was also initiated against the petitioner, which ended in acquittal by the judgment



dated 22.06.2020 in C.C.No.15 of 2000 on the file the Chief Judicial Magistrate, Tiruvannamalai. Therefore, the petitioner is entitled to raise Industrial Dispute.

4. On a perusal of the records reveals that the petitioner was appointed temporarily through Employment Exchange for the reserve crew. In terms of the conditions of appointment, it has been clearly stated that the service of the petitioner is not statutory, he was dismissed prior to the notice. The negligent driving of the petitioner on 24.04.2012, was the cause of the accident, due to which the deceased died on the spot. The Criminal Court acquitted him. The said acquittal was based on the strength that the prosecution has failed to prove the case beyond any reasonable doubt. Therefore, it does not mean that the petitioner did not commit any accident. In fact, it is only due to the negligence of the petitioner, the accident had taken place and one person died on the spot. That apart, reserve crew drivers, drive the bus when the demand comes. Therefore, the petitioner cannot claim reinstatement. Further he also found not fit for the service and his service were not satisfactory. On a further perusal of the Exs.M1 to M5, the fact reveals that the petitioner was frequently absent from his duty. The First respondent continuously



received reports against the petitioner. Therefore, the second respondent has rightly dismissed the Industrial Dispute No.160 of 2014 raised by the petitioner and I do not find any reason to interfere with the order passed by the second respondent.

5. Accordingly, this Writ Petition is dismissed as there is no merits. No costs.

27.07.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
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To

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Vengikal, Thiruvannamalai District.

2. The Labour Court,
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G.K.ILANTHIRAIYAN, J.

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