



W.P.No.7958 of 2020
and W.M.P.No.9395 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.7958 of 2020
and W.M.P.No.9395 of 2020

The Management,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Cuddalore Region,
Cuddalore.

Represented by its General Manager

... Petitioner

Vs.

N.Vijayakumar

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the orders dated 19.08.2019 in I.D.No.39/2016 passed by the Presiding Officer, Labour Court, Cuddalore and quash the same.

For Petitioner : Ms.S.Pavithra

For Respondent : Mr.R.Muralidharan



WEB COPY



W.P.No.7958 of 2020
and W.M.P.No.9395 of 2020

ORDER

Challenge in this writ petition is made to the orders dated 19.08.2019 in I.D.No.39/2016 passed by the Presiding Officer, Labour Court, Cuddalore.

2. The respondent was working as a Driver in the writ petitioner, Tamil Nadu State Transport Corporation (Villupuram) Limited, Cuddalore since 01.02.1986. On 22.09.2015, when he was driving a bus bearing Registration No.TN 32 N 3880 from Chidambaram to Chennai, he hit a two wheeler bearing Reg.No.TN 59 E 3660 near Thavalakuppam, as a result of which, rider and pillion rider sustained injuries and the pillion rider subsequently succumbed to injuries in the hospital. The writ petitioner Management suspended the respondent immediately and a show cause notice was issued to him. A domestic enquiry was conducted and the Enquiry Officer held that the charges against the respondent were proved. Thereafter, a second show cause notice was issued to the respondent and he was dismissed from service



W.P.No.7958 of 2020
and W.M.P.No.9395 of 2020

with effect from 29.06.2016.

3. The respondent / workman raised an Industrial Dispute in I.D.No.39/2016 under Section 2A(2) of the Industrial Disputes Act, 1947 before the Presiding Officer, Labour Court, Cuddalore. In I.D.No.39/2016 a preliminary issue was framed as to whether the departmental enquiry was conducted properly as per the principles of natural justice. Since the Labour Court came to a conclusion that it was not held in accordance with law, the writ petitioner Management was directed to prove the charges against the respondent / workman. The respondent has been working for the writ petitioner Management since 01.02.1986 and the accident took place 11 months before his date of retirement. Though the respondent had raised many grounds in the petition in I.D.No.39/2016 he gave up his claim for backwages for the period from 29.06.2016 to 31.05.2017. The Labour Court after considering the past track record of the respondent and also considering the fact that he caused the accident 11 months prior to the date of retirement on superannuation, directed the writ petitioner Management to



W.P.No.7958 of 2020
and W.M.P.No.9395 of 2020

WEB COPY

pay only terminal benefits. It had also held that the respondent deemed to have been retired on 31.05.2017. Aggrieved over the orders passed by the Labour Court, the present writ petition is filed.

4. Ms.S.Pavithra, learned counsel for the writ petitioner would contend that the respondent / workman was responsible for two more fatal accidents and that the Management after conducting proper enquiry had dismissed the respondent from service with effect from 29.06.2016. In the circumstances, the orders passed by the Labour Court cannot be sustained.

5. Per contra, Mr.R.Muralidharan, learned counsel for the respondent would contend that the respondent had attained superannuation on 31.05.2017 and that he is not claiming backwages for 11 months i.e. 29.06.2016 to 31.05.2017. His further contention is that since he has been working for the writ petitioner Management for 29 years continuously, the Labour Court had passed an Award directing the writ petitioner Management to pay terminal benefits to him. He would



W.P.No.7958 of 2020
and W.M.P.No.9395 of 2020

further contend that there is no reason for this Court to interfere with the orders passed by the Labour Court.

6. At the outset it may be observed that the accident took place 11 months prior to the date of retirement on superannuation of the respondent / workman. Moreover, the respondent had also put in 29 years of service in the writ petitioner Management and he has restricted his claim only to the payment of terminal benefits and this aspect was favourably considered by the Labour Court. In the circumstances, there is no reason for this Court to interfere with the orders passed by the Labour Court.

Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

15.12.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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W.P.No.7958 of 2020
and W.M.P.No.9395 of 2020

R. HEMALATHA, J.

mtl

W.P.No.7958 of 2020
and W.M.P.No.9395 of 2020

15.12.2023