



W.P.No.17408 of 2019 & W.M.P. No.16899 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM :

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

**W.P.No.17408 of 2019 & W.M.P. No.16899 of 2019**

The Management,  
Metropolitan Transport Corporation  
(Chennai) Limited  
Pallavan Illam, Anna Salai  
Chennai 600 002

... Petitioner

Vs.

1. M. Paramasivam  
2. Govindaraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari or any other appropriate writ, order or direction to call for the records pertaining to the order passed in I.D. No.244 of 2017 dated 29.11.2018 on the file of the III Additional Labour Court, Chennai and to quash the same.

For Petitioner : Mr.M. Chidambaram  
For Respondents : No appearance.

**ORDER**

Challenge in this Writ Petition is made to the orders dated 29.11.2018 passed in I.D. No.244 of 2017 on the file of the III Additional Labour Court, Chennai.



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WEB COPY 2. The Writ Petitioner is the Metropolitan Transport Corporation (Chennai) Limited, represented by its Management. The 1st respondent Paramasivam is working as a driver while the 2nd respondent Govindaraj is working as a conductor. On 08.09.2012 when the 1st respondent was driving a bus bearing Registration No.TN 01 N 4354 in the route 59L, a passenger alighted the bus through the front exit, as a result of which he fell down and sustained injuries and died on the way to the hospital. The respondents were suspended from service and subsequently a charge memo was issued framing charges against them under certified Standing Orders No.25-xxvii and 25-xLiii. A departmental enquiry was initiated against the respondents and the Enquiry Officer held that the charges against both the respondents were proved. Subsequently, both the respondents were served with an order of stoppage of increment for a period of two years with cumulative effect. Aggrieved over the same, both the respondents filed a Petition in I.D. No.244/2017 before the III Additional Labour Court, Chennai under Section 2K of the Industrial Disputes Act.



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2.1. The learned Presiding Officer, III Additional Labour

Court, vide his orders dated 29.11.2018 held that the charges framed against the respondents are not proved and therefore the order of stoppage of increment for a period of two years with cumulative effect passed by the Management is totally erroneous. Aggrieved over the said orders, the present Writ Petition is filed by the Management.

3. Mr.M. Chidambaram, learned counsel for the petitioner would contend that the Labour Court did not consider the provisions of the certified Standing Orders and that the conductor and the driver are responsible for the death of the passenger who was travelling in the bus. His further contention is that when the Departmental Enquiry has been properly conducted, the Labour Court could not interfere with the same and therefore, the order of the Labour Court is Perverse.

4. Though the names of the respondents are printed in the cause list after issuing notice to them, there is no representation on behalf of the respondents.



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5. It is seen from the records that the bus bearing

Registration No.TN 01 N 4354 was over crowded at the time of accident and that the deceased passenger had alighted the moving bus on his own. It is not the case of the Management that the passenger, who died, was standing on the foot board and that the conductor and the driver did not discharge their duties by cautioning him to go inside the bus. The evidence adduced on both sides before the Labour Court showed that the passenger alighted the moving bus on his own and the conductor came to know of it only after the co-passengers had brought it to his knowledge. Therefore, the Management was totally wrong in fastening liability on the conductor and the driver of the bus for the accident which occurred on 08.09.2012. The Labour Court had, infact, analysed the evidence on record in a proper perspective and therefore, the present Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Index : yes/no

Speaking /Non speaking Order



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R.HEMALATHA, J.

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