



W.P.No.17092 of 2020
and W.M.P.Nos.21158 of 2020 & 23384 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

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

W.P.No.17092 of 2020
and W.M.P.Nos.21158 of 2020 & 23384 of 2021

The Management,
Represented by the General Manager,
Tamilnadu State Transport Corporation Limited,
Villupuram.

... Petitioner

Vs.

P.Rajendran

... 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 25.10.2019 in I.D.No.37/2017 passed by the Presiding Officer, Labour Court, Cuddalore and quash the same.

For Petitioner : Mr.M.Aswin

For Respondent : Mr.K.Aruna Giri



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ORDER

Challenge in this writ petition is made to the orders dated 25.10.2019 in I.D.No.37/2017 passed by the Presiding Officer, Labour Court, Cuddalore.

2. The respondent was working as a Driver in the writ petitioner, Tamilnadu State Transport Corporation Limited, Villupuram from 09.11.1991. On 17.10.2014, when the respondent was driving a bus bearing Registration No.TN 32 N 2617 in Route No. T-35 from Ulundurpet to Chellur, a school student fell down from the front exit of the bus, as a result of which, she was run over by the bus and died.

3. The respondent was suspended from service and a domestic enquiry was conducted in which the Enquiry Officer held that the charges framed against the respondent were proved. The disciplinary authority, after issuing a second show cause notice, dismissed the respondent from service as against which he raised an Industrial dispute in I.D.No.37/2017 under Section 2A(2) of the Industrial Disputes Act,



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1947. The learned Presiding Officer, Labour Court, Cuddalore, after analysing the oral / documentary evidence adduced on both sides held that the punishment imposed by the Management is disproportionate to the charges framed against the respondent and directed the Management to reinstate the respondent into service without any backwages. Aggrieved over the orders passed by the Presiding Officer, Labour Court, Cuddalore, the present writ petition is filed by the Management.

4. Mr.M.Aswin, learned counsel for the writ petitioner would contend that the respondent had already caused two fatal accidents and that this is the third one and therefore, the respondent was rightly dismissed from service. In the circumstances, the orders passed by the Labour Court is totally erroneous, is his contention.

5. Per contra, Mr.K.Aruna Giri, learned counsel for the respondent contended that the Presiding Officer had passed a well reasoned order after analysing all the aspects of the case and therefore, no interference is warranted by this Court.



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6. In the instant case, the respondent had put in 23 years of service during which two fatal accidents occurred on 25.11.2001 & 14.03.2003. There is no reference about these two fatal accidents in the charges framed against the respondent. The learned Presiding Officer, Labour Court, after analysing the evidence on record had come to a conclusion that the punishment given to the respondent is disproportionate to the gravity of charges framed against him. There is nothing to show that the findings rendered by the Labour Court is perverse.

7. In the result, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

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