



W.P.No.29174 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM

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

W.P.No.29174 of 2018

B. Sundararajan

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram Division, Trichy Road,
Vazhudhareddy, Villupuram.

2. The General Manager
Tamil Nadu State Transport Corporation Limited,
Villupuram Kottam, Thiruvannamalai Division,
Thiruvannamalai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the Principal Labour Court, Vellore, in I.D. No.6 of 2017 dated 16.08.2018, quash the same and consequently direct the respondents to reinstate the petitioner into service along with back wages, attendant benefits and continuity of service.



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For Petitioner : Mr. P.Paramasiva Doss
For Respondents : Mr.M.Aswin, Standing Counsel

ORDER

Challenging the Award dated 16.08.2018 passed by the Presiding Officer, Principal Labour Court, Vellore, in I.D. No.6 of 2017, the present Writ Petition is filed.

2. The writ petitioner was employed as a driver in the respondent Corporation since 01.01.1996. On 15.08.2014, while he was driving a bus bearing Registration No.TN-25-N-0046 from Koyambedu to Cheyyar, he hit a two wheeler, as a result of which an one year old child by name Prathyusha in the hands of her mother, who was a pillion rider, fell down and was run over by the bus. The child died on the spot.

2.1. A Domestic Enquiry was contemplated against the present writ petitioner and since the charges framed against him were proved, the petitioner was removed from service on 05.08.2016. Therafter, the writ



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petitioner raised an Industrial Dispute in I.D. No.6 of 2017 before the Principal Labour Court, Vellore, under Section 2 A(2) of the Industrial Disputes Act, 1947. The Presiding Officer, Principal Labour Court, Vellore, after analysing the evidence on record, found that the punishment of removal from service imposed on the writ petitioner by the Management is perfectly in order and dismissed the petition. The Labour Court had also taken into account the track record of the present petitioner who was earlier responsible for two fatal accidents by his rash and negligent driving.

2.2. The present writ petition is filed challenging the abovesaid order of the Labour Court.

3. Mr. P.Paramasiva Doss, learned counsel for the writ petitioner would contend that in the Domestic Enquiry no eye witness was examined by the Management and that the charges were framed against the present writ petitioner only based on the Inspection report dated 30.08.2014 submitted by the Inspection Squad. His contention is



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that in the Inspection Report it was observed that the bus was found 200 metres away from the place of accident and that had the driver been cautious, he could have averted the accident. According to the counsel for the writ petitioner, the police officials immediately after the accident, directed the driver of the bus to park the vehicle on the left hand corner of the road for free flow of traffic and the Inspection Squad which visited the spot after three or four hours had concluded that the bus was found 200 metres away from the accident. In the circumstances, the Domestic Enquiry conducted by the respondent Management is totally wrong and the Labour Court did not take into account the explanation given by the writ petitioner/driver and dismissed the petition filed by him by confirming the order of the disciplinary authority of the respondent Management.

4. Mr.M.Aswin, learned Standing Counsel for the respondents would contend that the Labour Court had, after analysing the evidence on record, found that the punishment of removal of the present writ petitioner from service imposed by the Management is perfectly in order



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and dismissed the petition. He therefore, would contend that the order passed by the Principal Labour Court, Vellore, is perfectly in order and does not warrant any interference by this Court.

5. It is seen from the records that the deceased child was sitting on the lap of her mother and the rider of the two wheeler was on the left hand side of the bus. In the Domestic Enquiry, the petitioner had contended that the rider of the two wheeler hit the bus and the pillion riders, i.e., the mother and the child fell down. The Enquiry Officer had felt that the driver of the bus had seen the two wheeler coming on the left hand side of the bus and had he driven the bus with caution, he could have averted the accident. In any event, there is nothing to show that there was violation of Principles of Natural Justice in the conduct of domestic enquiry. It is also seen from the records that the petitioner had committed two fatal accidents previously and this aspect was also taken into account by the Labour Court. The Labour Court, by a well considered order, had held that the findings of the Enquiry Officer and the consequent order of removal of the petitioner from service by the



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Disciplinary Authority are perfectly in order. These observations of the Labour Court are based on records and therefore I do not find any reason to interfere with the same. Accordingly, the Writ Petition is dismissed. No costs.

03.11.2023

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

To

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R. HEMALATHA, J.
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