



WEB COPY



W.P.No.2414 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.2414 of 2019
and WMP.No.2661 of 2019

The Management,
Metropolitan Transport Corporation,
(Chennai) Ltd.,
Pallavan Illam,
Anna Salai,
Chennai – 600 002. ... Petitioner
Vs.

V.Muniappan ... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order passed in I.D.No.240 of 2016 dated 31.07.2018 on the file of the 1st Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr.C.Gouthamaraj
Standing Counsel

For Respondent : Mr.S.T.Varadarajalu

* * * * *

ORDER

This writ petition is filed to call for the records pertaining to the order passed in I.D.No.240 of 2016 dated 31.07.2018 on the file of the 1st



W.P.No.2414 of 2019

Additional Labour Court, Chennai and quash the same.

WEB COPY

2.The respondent who was employed as a driver in the petitioner Transport Corporation. While so, on 14.01.2011, while he was driving the bus in route No.159 from Thiruverkadu bus stand to Thiruvottiyur, at the signal of Elephant Gate bridge, the said bus met with an accident and a male pedestrian died. FIR was registered against the driver and later on 18.01.2011, the driver was suspended from service and a charge sheet was issued on 03.02.2011. Two charges were framed. One under Section 25(xxvii) for rash and negligent driving and another under Section 25(xliii) for causing loss to the Management. On 15.02.2011, the respondent submitted his explanation which was found to be unsatisfactory and therefore a domestic enquiry was ordered. On 25.02.2013, the Enquiry Officer submitted his report holding that the charges were proved. Based on the past service conduct of the respondent, a second show cause notice was issued to the respondent on 18.05.2013, to which the respondent submitted his explanation on 17.06.2013. As the explanation of the respondent was found to be unsatisfactory, on 06.07.2013 a punishment of postponement of annual increment for 5 years with cumulative effect was imposed. Aggrieved by the punishment imposed by the petitioner, the respondent raised a dispute before



W.P.No.2414 of 2019

the Labour Court. The Labour Court on the basis of the evidence on record passed the award dated 31.07.2018 setting aside the order of punishment with further direction to the petitioner to restore all the benefits available to the respondent. Aggrieved by the award dated 31.07.2018 passed by the Labour Court, the Transport Corporation has filed the above writ petition.

3.The learned counsel for the petitioner submitted that the Labour Court failed to note that the FIR, the Award of the Motor Accident Claims Tribunal, Accident Wing Inspector's report and Domestic Enquiry Report proved that the respondent was responsible for the accident. The learned counsel further submitted that the Labour Court failed to note that the Domestic Enquiry was properly conducted and the non-examination of the witnesses like eye witness, Conductor, Accident Wing Inspector was not necessary. The learned counsel further submitted that as the negligence of the respondent resulted in the accident and loss to the Management, the Management imposed the punishment of postponement of annual increment for 5 years with cumulative effect. The learned counsel therefore submitted that the award passed by the Labour Court deserved to be set aside.

4.The learned counsel for the respondent on the other hand submitted that there is absolutely no perversity in the award passed by the Labour Court



W.P.No.2414 of 2019

and therefore it did not call for any interference in the writ proceedings.

WEB COPY

5.I have heard both the learned counsels and I have perused the materials placed on record.

6.It is the case of the petitioner Corporation that the accident occurred due to the negligence of the respondent in hitting the pedestrian while crossing the signal. On the other hand it was the respondent's case that the deceased was a passenger in the bus and while trying to alight from the bus he fell down and the back tyre of the bus ran over him. The case of the respondent was supported by the Conductor's letter dated 14.01.2011 marked under Ex.W2 and the evidence of the eye witness to the accident. As the Labour Court has given cogent and valid reasons for deviating from the enquiry officer's report. I find no perversity in the finding of the Labour Court.

7.In view of the above discussions, I find no merits in the writ petition and the same is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.



W.P.No.2414 of 2019

27.02.2024

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order
ah

To

1.The 1st Additional Labour Court,
Chennai.

2.The Management,
Metropolitan Transport Corporation,
(Chennai) Ltd.,
Pallavan Illam,
Anna Salai,
Chennai – 600 002.



WEB COPY



W.P.No.2414 of 2019

N.MALA, J.
ah

W.P.No.2414 of 2019



WEB COPY



W.P.No.2414 of 2019

27.02.2024