



WEB COPY



W.P.No.18606 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.18606 of 2015

and

M.P.No. 1 of 2015

The Management,
Tamil Nadu State Transport Corporation (Salem Division),
12, Ramakrishna Road,
Salem – 7,
Rep. by its General Manager

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Salem.

2. The General Secretary,
Salem Mandala Anaithu Panialarkal Sangam,
44-A, Mariamman Koil Street,
Hasthampatti,
Salem – 7.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records passed by the first respondent in I.D. No. 194 of 2010 dated 10.02.2014 and to quash the same.



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For Petitioner : Mr. M.Aswin,
Standing Counsel

For Respondents : Mr. S.V.Navin Prabhu
for Mr. K.V.Shanmuganathan (for R2)

R-1 (Labour Court)

ORDER

The petitioner/Corporation has preferred this writ petition challenging the order of the Labour Court, Salem, dated 10.02.2014, made in I.D. No. 194 of 2010.

2. Heard Mr. M.Aswin, learned Standing Counsel for the petitioner and Mr. S.V.Navin Prabhu, learned counsel for the second respondent and perused the materials available on record.

3. The second respondent union represents one A. Natesan, against whom disciplinary action has been initiated on the allegation that he caused an accident due to his negligence, and on conclusion of which,



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the punishment of stoppage of 3 years increment with cumulative effect and recovery of damages of Rs. 90,530/- was imposed. In the above I.D. No. 194 of 2010, the Labour Court has passed the award finding that the driver, A. Natesan, was not responsible for causing the accident.

4. The learned counsel for the petitioner submitted that the Management witness M.W.2 has stated in his evidence that he was a conductor in the other bus involved in the accident, and he has stated that the bus driven by the said A. Natesan had dashed against the opposite bus after it was stopped.

5. The learned counsel for the second respondent submitted that the petitioner himself, has stated in the accident claim cases filed against the Department that the accident was not caused due to the negligence of the said A. Natesan. Even in the criminal case registered in this regard, the said A. Natesan got acquitted. The only evidence on which the petitioner tries to challenge the award is the evidence of M.W.2.



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6. The Labour Court has made a categorical observation that when the evidence of M.W.2 is compared with the First Information Report and MV report, it would only make out the contradiction between his oral evidence and the damages present on the bus. The Labour Court, Salem, has categorically observed that if the evidence of M.W.2 is correct, then it is probable that only the right portion of the bus should have got damaged. However, the First Information Report shows that both buses have got damages on the front body. It is to be noted that M.W.2 is the conductor of the opposite bus, and his evidence would be biased in order to implicate the driver of the bus in which he was acting as a conductor. So, he has given his evidence in a manner that the bus in which he was the driver had stopped, and only thereafter, the said A. Natesan had come and hit against the other bus.

7. Except for the interested witness M.W.2, none of the records available substantiate the allegations that the accident occurred only due to the negligence on the part of the said A. Natesan. As the Labour Court



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has rightly dealt with the issue and passed the award in favour of the second respondent by setting aside the punishment, I find no merits in this Writ Petition and it is liable to be dismissed.

8. In view of the same, this Writ Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

04.09.2024

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
kv

To

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R.N.MANJULA, J.

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