



WEB COPY



W.P.No.14809 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.14809 of 2014

K.Kumar (Died)

2.Uma

3.Gokul

4.Prakash

...Petitioners

Vs.

1.The Presiding Officer,
The Principal Labour Court,
Vellore, Vellore District.

2.The Management of
M/s.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Division,
Vellore – 9.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to call for the records relating to the award dated 25.07.2011 of the 1st respondent passed in I.D.No.243 of 2010, quash the same and consequently direct the 2nd respondent to reinstatement the petitioner with continuity of service, back wages and other attend benefits, award costs.

For Petitioner : Mr. T.Varadarajulu

For Respondent 1: Court

For Respondent 2: Ms. S.Pavithra

ORDER

The deceased petitioner had challenged the award of the 1st respondent in ID.No.243 of 2010 dated 25.07.2011.

2. It is the case of the petitioner that he had joined the service as a casual Driver in the 2nd respondent Corporation in the year 1994, his services had been regularised in the year 1996. It is the case of the



petitioner that on 28.08.2006 he was on duty from Peranampet to Chennai and when he had reached Vellore bus stand, he stopped the bus to attend an urgent nature's call. After informing the duty conductor he had parked the bus outside the bus stand and had returned within 2 minutes. When he returned, he had found that the bus had been parked nearly 15 feet away from where he parked.

3. The petitioner would submit that the same had been moved by the duty conductor's brother, who was travelling in the bus using the spare key given to him by the duty conductor. The said person had no driving experience and as a result, he had caused an accident resulting in the death of two women and a man. The petitioner was charge sheeted and he had submitted his explanation. However, not satisfied with the explanation given, an enquiry was conducted. The petitioner's grievance is that the enquiry had not been conducted in a fair manner. Ultimately, charges were held to be proved.



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4. Thereafter, the petitioner had raised an Industrial Dispute and the same was taken on file of the Principal Labour Court, Vellore in I.D.No.243 of 2010 and the same was dismissed on 15.07.2011. Challenging the same, the Writ Petition has been filed.

5. The learned counsel for the petitioner would submit that the accident had occurred only on account of the duty conductor entrusting the bus to a person who had no driving experience and that this entrustment was not his fault. The learned counsel would submit that the petitioner is no more and that if the order of dismissal is modified to lesser punishment his legal representatives, who have been brought on record, would gain some monetary benefits.

6. The learned counsel for the respondent corporation would draw the attention of the Court to their counter filed before the Principal Labour Court, Vellore, wherein, the respondent has clearly stated that the petitioner during his employment with the 2nd



Respondent Corporation had several charges against him and the same has been stated in Tabular Column. This tabulated statement indicates that there are over 20 charges against the petitioner.

7. The learned counsel for the respondent corporation would submit that a perusal of these would clearly indicate that the charge in respect of which the order of dismissal has been passed is not the first misdemeanor on the part of the deceased petitioner and on the contrary was the last straw. The learned counsel would submit that the same has been considered in detail by the Labour Court and the award does not call for any interference by this Court.

8. Heard the learned counsels and perused the records.

9. From a perusal of the records and the impugned order, it clearly appears that the petitioner who was entrusted with the charge of the bus and who has a duty imposed upon him to ensure that he stations the same at its allotted parking place has neglected to do so. It is seen



that the petitioner has stopped the vehicle at the entrance of the bus stand and went to answer the nature's call without taking care of the passengers seated in the bus or the safety of the bus. Had the petitioner stopped the bus at its allotted stop there was no chance of a third party taking/driving taken the vehicle.

10. Therefore, it is clear that only on account of his negligence the vehicle had been removed and the accident had taken place. The deceased petitioner appears to habitually flout the rules and further he is also accused and charged for insubordination. The punishment which had been imposed on him appears to be correct and the 1st respondent has considered the evidence in detail. The explanation offered by the petitioner for stopping the bus at the entrance of the bus stand appears to be very flippant and irresponsible statement. It is not known as to why the deceased petitioner who had stopped the bus at the entrance of the bus stand could not have entered the bus stand and stopped the vehicle inside the bus stand and thereafter gone for answering the nature's call. The 1st Respondent has clearly gone



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through the evidence on record to come to the conclusion that the deceased petitioner was guilty of negligence which had resulted in the death of three persons.

11. In the result, the Writ Petition stands dismissed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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P.T. ASHA, J,

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