



W.P.No.30983 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.30983 of 2024

T.Renuga

... Petitioner

Vs.

The Management,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vellore Region, Rangapuram,
Vellore 632 009.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the award dated 26.09.2023 passed in I.D.No.9 of 2022 on the file of the Principal Labour Court, Vellore and quash the same and consequently, direct the respondent to grant the petitioner's husband backwages, continuity of service from the date of dismissal till his demise on 07.07.2019 and death benefits to be paid to the petitioner.

For Petitioner : Ms.Yazhlini.T for
Mr.J.Saravana Vel



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ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records of the award dated 26.09.2023 passed in I.D.No.9 of 2022 on the file of the Principal Labour Court, Vellore and quash the same and consequently, direct the respondent to grant the petitioner's husband backwages, continuity of service from the date of dismissal till his demise on 07.07.2019 and death benefits to be paid to the petitioner.

2. Heard Ms.Yazhlini.T, learned counsel for the petitioner and perused the materials available on record.

3. The petitioner is the wife of the deceased workman Teekkaraman who was working as a driver with the respondent Corporation. The petitioner's husband had caused an accident due to his rash and negligent driving and thereby caused death of 6 persons and injury to 16 persons. In the disciplinary proceedings initiated against the deceased employee, the charges were held to be proved and the



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petitioner's husband has been imposed with the punishment of dismissal on 20.08.2000. Subsequently, the husband of the petitioner also died on 07.07.2019. The petitioner who is the legal heir of the deceased employee has raised an industrial dispute in I.D.No.9 of 2022. The Presiding Officer of the Labour Court after having appreciated the evidence on record, has arrived at a conclusion that the punishment of termination imposed on the deceased employee is proportion to the gravity of the charges and consequently, the Industrial Dispute was dismissed. Now, the petitioner has filed this Writ Petition challenging the above award.

4. The learned counsel for the petitioner submitted that the deceased employee was also injured in the accident and he has filed a petition before the Motor Accident Claims Tribunal for awarding compensation and he was awarded with a compensation of Rs.2,15,500/-. In the counter filed in MCOP proceedings, the Management has stated that no negligence be attributed on the husband of the petitioner. But in the domestic enquiry, a different stand has been taken and in view of that,



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the petitioner's husband was given with the punishment of dismissal. So it is submitted that the Labour Court did not consider the essential aspect while passing the order for dismissing the industrial dispute.

5. On perusal of the award of the Labour Court, it is seen that the Labour Court has dealt the above point as well and has observed that in the counter filed by the respondent Management in MCOP proceedings, a genuine stand is taken that the accident had occurred due to the rash and negligent driving of the driver of the lorry which is also involved in the accident. So the best forum which can decide about the negligence part, (i.e) whether it is on the driver of the bus or the driver of the lorry is the criminal Court where the criminal case filed against the petitioner's husband was tried.

6. There cannot be any quarrel on the point that the petitioner's husband has been charged under Sections 279, 337, 338, 304(A) of IPC and the case was pending for several years. During the pendency of the said case, the husband of the petitioner died and hence, the charge got



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abated. So the next possible forum that can deal with the negligence can be the Enquiry Officer who has conducted the enquiry on the charges framed against the petitioner's husband. The petitioner's husband has been charged for committing the accident in a rash and negligent manner by crossing the center median and hit the lorry proceeded on the opposite side and caused loss of life for 6 persons and grievous injury for 16 other persons. It is stated that the right side part of the bus like head lights, right side body sheets and passenger seats have been damaged in the accident. On the basis of these materials and other evidence, the Enquiry Officer has arrived at a conclusion that the charges of negligence on the part of the petitioner's husband has been proved and then the disciplinary authority has imposed the punishment of termination from service.

7. The Labour Court has analysed all the materials in an exhaustive fashion. Only after the said exercise, it has recorded a confirmation on the finding as to the charge of negligence proved against the petitioner's husband. Hence, I do not find any perversity or infirmity in the order of the Labour Court which is inclusive of the discussion as to the counter



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filed by the respondent Management in MCOP proceedings filed by the petitioner's husband seeking compensation in MCOP.No.309 of 2000. No merits found to sustain the relief sought in this Writ Petition.

8. Accordingly, this Writ Petition is dismissed and the award of the Labour Court in I.D.No.9 of 2022 dated 26.09.2023 is confirmed. No costs.

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

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To

The Management,
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R.N.MANJULA, J.

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