



W.P.(MD)No.8880 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.06.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.8880 of 2021
and
W.M.P.(MD)No.6680 of 2021

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Nagercoil.

... Petitioner

Vs.

General Secretary,
The State Transport Employees Union,
CITU 4KKM,
Nagercoil.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the Labour Court, Tirunelveli dated 19.06.2020 passed in I.D.No.108 of 2018 and to quash the same.

For Petitioner : Mr.R.Rajamohan
For Respondent : No Appearance

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorari, to quash the impugned order passed in I.D.No.108 of 2018 dated 19.06.2020, by the Labour Court, Tirunelveli, which was raised by the respondent herein, challenging the punishment of stoppage of



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increment of two years with cumulative effect on 15.12.2014 on Thiru.Uthayan, Driver of petitioner Corporation.

2.The learned counsel appearing for the petitioner submitted that the aforesaid impugned order came to be passed by the learned Labour Court by fixing 50% of the liability on the deceased pedestrian without application of mind. Further he assailed the aforesaid order by which the learned Labour Court had observed that the cause of death has to be established by the petitioner Corporation. However, it is the duty of the Investigating Officer as to investigate the cause of death. In view of the same, he contended that the impugned order is perverse and pressed for allowing the Writ Petition and set aside the aforesaid order passed by the Labour Court.

3.Despite the name of the respondent was printed in the cause list, none appeared on behalf of the respondent.

4.Heard the learned counsel for the petitioner and carefully perused the entire materials available on record.

5.Taking cue from the submission made by the learned counsel for the petitioner, obviously it is for the Investigating Officer to investigate as to who is the reason for the cause of the death and this Court is of the



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considered view that the learned Labour Court fixing 50% liability on the deceased pedestrian and partly allowing the industrial dispute is wholly perverse. Hence, the impugned order is hereby set aside.

6. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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