



W.P.No.19107 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.19107 of 2015

and

W.M.P.No.9753 of 2025

1. C.Chitti Babu
(deceased)

2. Vimala Chitti Babu

3.Rajkumar Chittibabu

4. Janani Chittibabu

(P2 to P4 are substituted as LR's of deceased P1
as per order dated 12.03.2025 in W.M.P.No.9748 of 2025
in W.P.No.19107 of 2015 by MDIJ)

... Petitioners

Vs.

1. The Special Commissioner of Labour,
Office of the Deputy Commissioner
Chennai - 600 006.

2. Tamil Nadu State Transport Corporation Ltd.,
{VPM} Ltd, Vellore Region,
Vellore -9
by its General Manager

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari Mandamus directing to



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grant the back wages continuity of services with all attendee benefits, promotional and monetary employee the writ petitioner C.Chittibabu and all the above said and other benefits may be directed to the granted and paid to the Legal Heirs named petitioners No.1, 2 and 3 herein.

[Prayer amended as per order dated 12.03.2025 in W.M.P.No.9753 of 2025 in W.P.no.19107 of 2015 by MDIJ]

For Petitioners : Mr.S.R.Sundaram

For R1 : Mr.K.Surendran
Additional Government Pleader

For R2 : Ms.S.Pavithra

ORDER

Challenging the order of the first respondent dated 16.03.2015 in A.P.No.107 of 2013, the present writ petition has been filed. The original writ petitioner expired on 15.02.2013 and his legal heirs are brought on record vide order dated 12.03.2025 in W.M.P.No.9748 of 2025.

2. The deceased petitioner was employed as a Driver under the second respondent Corporation. He had put in nearly 20 years of service. While so, on 23.08.2012, he was driving a bus belonging to the Corporation from Hosur to Chennai. The deceased petitioner dashed against a lorry which resulted in the death of nine passengers and injuries



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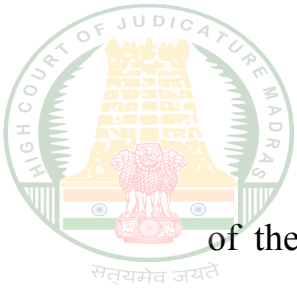
to many others.

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3. The second respondent Corporation followed the formalities and passed an order of dismissal. The second respondent Corporation filed an approval petition under Section 33 2 (B) of the Industrial Disputes Act, 1947 before the first respondent. The first respondent allowed the approval petition. Challenging which, the present writ petition has been filed.

4. The learned counsel for the petitioners submitted that the enquiry was not conducted by an higher official and only supervisor have conducted the domestic enquiry. The learned counsel also submitted that Criminal case is pending against the petitioner and without waiting for the outcome of the criminal case, the first respondent ought to have given its stamp of approval. The learned counsel therefore submitted that the impugned order needs interference by this Court.

5. The learned counsel for the second respondent submitted that principles of natural justice was followed before dismissing the deceased petitioner and the necessary provisions mandated under Section 33 (2) B



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of the Act was followed. The learned counsel therefore submitted that impugned order does not warrant any disturbance and the same may be confirmed.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. It is stated that the deceased petitioner had put in 20 years of service on account of the accident that the deceased petitioner had caused, which have resulted in loss of nine lives and injury to many others. The second respondent Corporation had initiated domestic enquiry which culminated in passing the order of dismissal. Though the objection was raised as to the manner in which the domestic enquiry was conducted, this Court is convinced that the enquiry was conducted in a fair manner. Just because a supervisor conducted domestic enquiry, it does not mean the domestic enquiry is farce.

8. The contention raised by the learned counsel for the petitioners that when the criminal case was pending, the first respondent Labour Court was not justified in granting its approval to the order of dismissal.



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This Court has held in umpteen number of cases that departmental proceedings and criminal proceedings are two different proceedings. Standard of proof required in these two proceedings are totally different. Eventhough, if delinquent can be acquitted in a criminal case, that acquittal would not bind the authorities in awarding punishment in departmental proceedings. Therefore, this Court does not find any perversity in the order passed by the Labour Court granting its approval.

9. In the result the writ petition fails and the same is dismissed. However, considering the fact that the deceased petitioner had put in more than 20 years of service liberty is granted to the legal heirs to workout the remedy available for them in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

10. The period during which this petition was pending shall not be taken while computing the period of limitation.

20.03.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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M.DHANDAPANI, J.

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To

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