



WEB COPY



W.P.No.25889 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25889 of 2011

And

M.P.No.1 of 2011

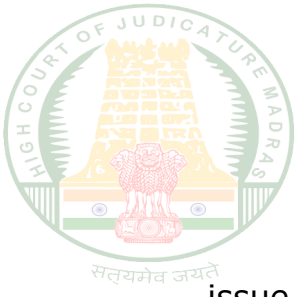
- 1.The Managing Director
Tamil Nadu State Transport Corporation Limited,
No.12, Ramakrishna Road,
Salem – 636 007.
 - 2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
No.12, Ramakrishna Road,
Salem – 636 007.
- ... Petitioners

Vs.

- 1.The Presiding Officer,
Labour Court,
Salem.
 - 2.R.Shanmugam (Deceased)
 - 3.S.Lakshmi
 - 4.Prabha
 - 5.Karuppannan
- (R3 to R5 are substituted as LR's of
deceased R2 as per order dated
07.11.2024 in W.M.P.No.17928 of 2024
in W.P.No.25889 of 2011 by DBCJ)

... Respondents

Prayer:



W.P.No.25889 of 2011

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to ID.No.429 of 2004 dated 13.12.2010 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.Aswin
For Respondents : R1 – Court
R2 – Died
Mr.M.Vijay Ragavan for R3 to R5

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to I.D.No.429 of 2004 dated 13.12.2010 on the file of the first respondent and quash the same.

2.The case of the petitioner is that the deceased second respondent was appointed as driver in the petitioner Corporation during the year 1982. On 22.03.2003, he was allotted duty in Bus No.TN27/N0661 plying on the route Tiruchengode to Irayamangalam. On that day at about 22.45 hours when the bus was reaching Kailasampalayam Pillaiar Koil Bus Stop, it hit against a TVS 50 moped, due to which, three persons who travelled in the moped died. Hence, the second respondent was placed under suspension and after enquiry,

2/6



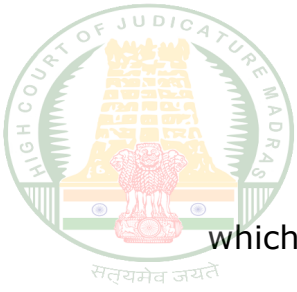
W.P.No.25889 of 2011

he was dismissed from service vide order dated 11.07.2003.

Thereafter, the second respondent raised industrial dispute in I.D.No.429 of 2004 before the first respondent and the first respondent vide impugned order directed the petitioner to give the retiral benefits with continuity of service but without backwages. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that during the pendency of this writ petition, the second respondent died and hence his legal heirs are substituted as respondents 3 to 5. The learned counsel further submitted that for the misconduct of the second respondent, he was charge sheeted and placed under suspension and after enquiry, he was dismissed from service, however, without considering the above aspects, the first respondent passed the impugned order, which is not sustainable one.

4.The learned counsel appearing for the respondents 3 to 5 submitted that for the above said accident, criminal case was registered as against the second respondent and the same ended in acquittal. The learned counsel further submitted that the Labour Court after considering all the factual aspects passed the impugned order,



W.P.No.25889 of 2011

which warrants no interference. The learned counsel further submitted that this Court may issue direction to the petitioners to pay the retiral benefits of the second respondent to his legal heirs/respondents 3 to 5.

5. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 3 to 5 and perused the materials available on record.

6. Admittedly the second respondent was appointed as driver in the petitioner Corporation during the year 1982. On 22.03.2003, he was allotted duty in Bus No.TN27/N0661 plying on the route Tiruchengode to Irayamangalam. On that day at about 22.45 hours when the bus was reaching Kailasampalayam Pillaiar Koil Bus Stop, it hit against a TVS 50 moped, due to which, three persons who travelled in the moped died. Thereafter, the second respondent was placed under suspension and after enquiry, he was dismissed from service vide order dated 11.07.2003.

7. Though the second respondent committed fatal accident, in order to prove his negligence, no independent witness was produced



W.P.No.25889 of 2011

before the first respondent. In the absence of negligence attributed against the deceased second respondent imposing major punishment of dismissal from service is too harsh. The said issue was rightly appreciated by the Labour Court and hence the impugned order warrants no interference. This Court directs the petitioners Corporation to settle the deceased second respondent's retiral benefits with continuity of service and without backwages, in favour of his legal heirs/ respondents 3 to 5, within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

06.02.2025

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Presiding Officer,
Labour Court,
Salem.

5/6



WEB COPY



W.P.No.25889 of 2011

M.DHANDAPANI,J.
pri

W.P.No.25889 of 2011
And
M.P.No.1 of 2011

06.02.2025