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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI**WP No. 28644 of 2015****and****M.P.No.2 of 2015**

1. The Management
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd., rep. by its General
Manager, Railway Station Road,
Kumbakonam

Petitioner(s)

Vs

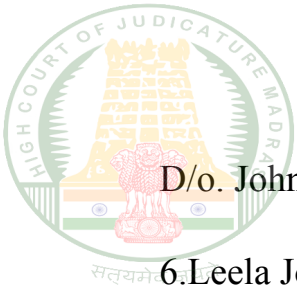
1. M.John Anthoni(DIED)
S/o.Murduranayagam Pilla,
C/o.M.Thamotharan, Advocate, NO.4,
Rajarajan Nagar, Collector office Road,
Villupuram 607 602

2.The Presiding Officer
Labour Court, Cuddalore

3.Sagaya Mary,
W/o. John Anthoni,

4.Stalin,
S/o. John Anthoni,

5.Christina,



D/o. John Anthoni,

6. Leela Josephine,

WEB D/o. John Anthoni, R3 to R6 are
residing at, Vellalar Street, Kandiyur
circle, Melathiruppanthuruthi,
Thanjavur District. (R3 TO R6
SUBSTITUTED AS LR's OF
DECEASED RESPONDENT R1 VIDE
ORDER DT 14.12.2021 MADE IN
WMP.19154/2021 IN WP.28644/2015
BY MSRJ)

Respondent(s)

PRAYER

to call for the records of the 2nd respondent made in I.D.No.164 of 2004 dated 20.11.2013 and to quash the same as illegal

For Petitioner(s): M/s. M.Rohini

For Respondent(s): R1 Died

R2-labour Court

Mr. A.Mohamed Ismail for R3 To

R6

ORDER

The petitioner Tamil Nadu State Transport Corporation is impugning the order passed by the second respondent in I.D.No.164 of 2004 dated 20.11.2013.

2. The first respondent herein (since deceased) was employed as a Driver with the petitioner Corporation. It is the case of the petitioner that the first



respondent caused a fatal accident on 18.10.1999. On that date, when the petitioner was travelling in the bus belonging to the Corporation he ran over the person who was working on the right side. The victim died on spot. The petitioner Corporation initiated disciplinary proceedings and after following formalities like constituting an enquiry officer, ultimately dismissed the first respondent from service from 26.02.2001. The first respondent raised an industrial dispute before the second respondent. The second respondent on analysing the materials before it, came to a conclusion that the order of dismissal was not proper and directed the petitioner to reinstate the first respondent into service with backwages and further directed the petitioner to employ the first respondent in an alternate batch since he was medically unfit. Challenging the said award, the present writ petition has been filed.

3. During the pendency of the writ petition, the first respondent died on 18.11.2015 and his legal heirs have been impleaded as respondents.

4. On a perusal of the impugned order, this Court is not unable to find any perversity or illegality in the reasons given by the Labour Court.



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5. It has been the consistent stand of the deceased employee that he did not cause the accident. The petitioner has conducted enquiry and the Branch Manager was examined as witness. The Branch Manager however, has categorically admitted that his evidence was only hearsay evidence. The criminal complaint that was lodged against the employee ended in acquittal. By order dated 21.04.2004, the Chief Judicial Magistrate, Kumbakonam acquitted the first respondent holding that the prosecution has not proved his guilt beyond all reasonable doubts. The Chief Judicial Magistrate has mainly placed reliance on the evidence of P.W.1 examined therein, wherein he has categorically stated that the bus 'Iyyappan Bus' was involved in the accident and not the bus belonging to the petitioner Corporation. Moreover, the learned Chief Judicial Magistrate has held that there was a tyre marked on the back of the deceased while it was not the case of the prosecution that the bus ran over him. The learned Chief Judicial Magistrate has given the deceased a hon'ble acquittal.

6. Even in the domestic enquiry, the petitioner has not relied more on evidence of Branch Manager who was not even present on the scene of



occurrence. The consistent stand of the deceased employee that he was not involved in the accident is fortified by the evidence of P.W.1 who was examined

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before the Chief Judicial Magistrate. Therefore, this Court has no hesitation to uphold the award passed by the Labour Court.

7. Even before this Court the petitioner has not demonstrated as to how the award of the Labour Court suffers from infirmities. For the above reasons, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

8. It is seen that the first respondent employee is no more. Therefore, the question of reinstatement and backwages would not arise. Interest of Justice would be sub served by directing the petitioner to pay a sum of Rs.5,00,000/- to the legal heirs of the deceased first respondent as full quit.

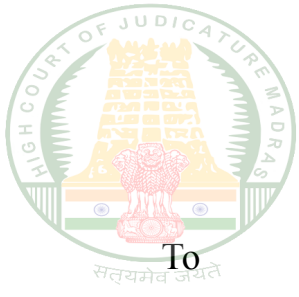
12-03-2025

RAP

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No



To

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The Presiding Officer
Labour Court, Cuddalore



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M.DHANDAPANI J.

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RAP

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