

WEB COPY

WP.No.9246 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.9246 of 2023

and

WMP.No.9352 of 2023

Metropolitan Transport Corporation
Metropolitan Transport Corporation,
Pallavan Illam,
Anna Salai, Chennai - 600 002.

... Petitioner

Vs.

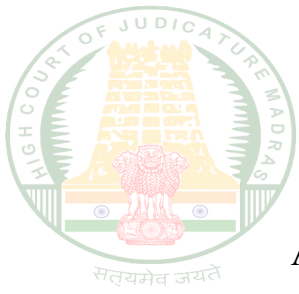
The General Secretary
State Transport Employees Union,
No. 2, Pallavan Salai,
Klaiyaranga Valagam, Chennai - 600 002.

... Respondent

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India directing Calling for the records of the Principal Labour Court, Chennai pertaining to its proceedings in I.D. No. 54 of 2017 dated 18.09.2019 quash the same.

For Petitioner : M/s. A.Vinothraj

For Respondent : M/s.S.T.Varadarajulu
for sole respondent.



WP.No.9246 of 2021

ORDER

Aggrieved by the award passed by the Principal Labour Court, Chennai, the Metropolitan Transport Corporation is before this Court.

2. Brief Facts are as follows:-

3. The respondent union is espousing the case of one K.Baskardas who is employed as a Driver under the Petitioner Corporation. The said Baskardas was working at the Thiruvottiyur Depot at the time of filing of the Industrial Dispute. On 08.08.2001 when he was plying the Corporation's bus in route no.159 bus no.TVI-729 there was an accident involving a tricycle fishcart near Padmanabha Theatre at Wall Tax Road. The accident had occurred only on account of the negligence on the part of the fishcart driver who was driving in a fast and negligent manner. Since the driver of the fishcart had admitted his fault and the damage to the tricycle was minor, no case was filed against the driver of the bus.

4. However, on 02.11.2001 a charge memo was issued to the respondent stating that the accident had occurred on account of his negligent driving despite the fact that the matter was compromised



and settled and no action had been initiated by the tricycle owner against the petitioner corporation seeking compensation. The respondent submitted his explanation on 03.12.2001 refuting the charges. However, the petitioner did not accept the explanation and ordered a domestic enquiry. This domestic enquiry according to the respondent was not conducted properly. The conductor of the bus was not examined at all and had he been examined the true facts would have come to light that there was no fault on the part of the driver of the bus.

5. The enquiry officer without there being any evidence had proceeded to hold that the charges were proved against the respondent. Thereafter, the petitioner corporation had imposed the punishment of stoppage of increment for 1 year with cumulative effect by its order dated 04.09.2002. Aggrieved by the same, the respondent union had raised an Industrial Dispute before the Conciliation Officer, Chennai. The Conciliation Officer was unable to bring about the settlement between the union and the management. Thereafter, the case was referred by the Government of Tamilnadu to the Principal



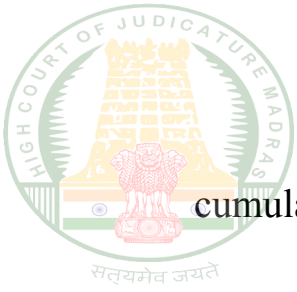
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Labour Court, Chennai for adjudication vide order dated 07.02.2017

and the terms of reference was as follows:-

"Whether the demand of the union that the order dated 04.09.2022 regarding punishment of postponement of annual increment with cumulative effect for one year awarded to Mr.K.Baskardas, Driver should be set aside is justifiable? If so to pass necessary orders."

6. The petitioner management had filed their counter before the Principal Labour Court stating that the Industrial Dispute has been filed after 16 years of the action and therefore it has to be dismissed. The petitioner would further submit that the person who had driven the fishcart had sustained injuries and was admitted in the Stanley Hospital as inpatient and therefore the charges were framed against the respondent. The petitioner would further submit that the respondent had appeared before the enquiry officer and he was given sufficient opportunity and therefore the enquiry was conducted in accordance with law. Ultimately, the charges were found to be proved and the punishment of stoppage of increment of 1 year with



cumulative effect was thereafter imposed.

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7. The Principal Labour Court had taken into consideration the place of the accident as set out in the rough sketch drawn by one G.Ramamoorthy, Inspector who had been examined by the management in the departmental enquiry. It is admitted that the said Inspector was not an eyewitness to the accident and that he neither examined the victim nor the eyewitness. Their statements were also not recorded by the Inspector. Therefore, having failed to examine the eyewitness to the accident the petitioner management cannot contend that the workman has been negligent.

8. Further, it is admitted that no claim for damages to date has been filed by the person who was riding the tricycle and who is alleged to have been hit by the bus driven by the workman. The Principal Labour Court, Chennai has rightly taken note of the fact that the petitioner management has failed to prove their case. Therefore, I see no reason to interfere with the award passed by the Principal Labour Court, Chennai in ID.No.54 of 2017 dated 18.09.2019.

9. Accordingly, the Writ Petition stands dismissed. No costs.



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Consequently, the connected Miscellaneous Petition is closed.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.Principal Labour Court Chennai.



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P.T. ASHA. J.,

(shr)

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