



WEB COPY



**W.P. No.8384 of 2022**

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 03.06.2025**

**CORAM**

**THE HONOURABLE Mr. JUSTICE P.DHANABAL**

**W.P. No.8384 of 2022**  
**and W.M.P. Nos.8341, 29805 and 29808 of 2022**

The Management of Tamil Nadu  
State Express Transport Corporation Ltd.,  
Villupuram. .. Petitioner

vs.

A. Raju S/o. Nallappan .. Respondent

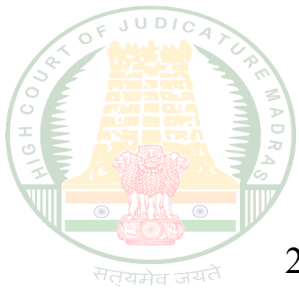
**PRAYER:** The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records relating to the Award made in I.D. No.106 of 2007 dated 28.07.2021 on the file of the Labour Court, Cuddalore and quash the same.

For Petitioner : Mr. T. Chandrasekaran

For Respondents : Mr. Mohamed Ismail

**ORDER**

This Writ Petition has been filed by the petitioner / Corporation to quash the order passed in I.D. No.106 of 2007 dated 28.07.2021 on the file of the Labour Court, Cuddalore.



**W.P. No.8384 of 2022**

WEB COPY

**2. The brief facts necessary to dispose of the petition are as follows:**

The respondent was working as Driver in the petitioner Corporation and he was drawing a salary of Rs.21,270/-. While so, due to the accident, on 04.02.2013, the respondent was suspended and he was served with a Memo on 06.02.2013 stating that on 20.01.2013, when he was working as Driver in a bus bearing Registration No.TN32 N 3631, he drove the vehicle in a rash and negligent manner and caused an accident and one Mathiyammal, aged 75 years, died in the accident. After the receipt of the memo, the respondent had given his explanation and thereafter, his suspension was revoked and he was reinstated into service on 03.03.2013. Thereafter, charge was framed against the respondent for the above said accident, a domestic enquiry was conducted and as per the domestic enquiry report, charge against the respondent was proved, thereby, a Show Cause Notice was issued on 07.11.2013 and further explanation was called for from the respondent. Therefore, on 14.03.2014, the Corporation issued a notice for terminating the respondent from service. Thereafter, the respondent was removed from service on 13.11.2014.

3. According to the respondent, as per the settlement under Section 12(3) of the Industrial Disputes Act, a mandatory notice ought to have been issued to the respondent. But no such notice was issued and no information

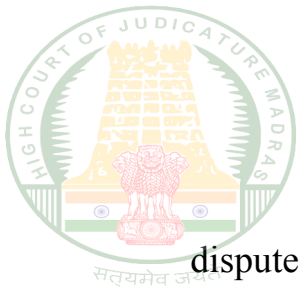


**W.P. No.8384 of 2022**

WEB COPY

was given about the enquiry and without any prima facie material, the petitioner Corporation dismissed the respondent from service without following the natural justice. Therefore, the respondent raised an industrial dispute before the Labour Court, Cuddalore in I.D. No.106 of 2007 and the same was allowed by directing the petitioner Corporation to reinstate the respondent with continuity of service along with backwages. Against which, the present Writ petition is filed by the Corporation.

4. The learned counsel appearing for the petitioner would submit that the respondent was a driver appointed under the petitioner Corporation on 31.07.1998 and he was made permanent on 01.10.1999. While the respondent was on duty on 20.01.2013 by driving the vehicle bearing Registration No.TN32 N 3631, in a rash and negligent manner, he caused an accident. Thereafter, the respondent was suspended from service and issued with Show Cause Notice. Thereafter, he was reinstated into service. Since he had not offered his explanation, a domestic enquiry was conducted and as per the enquiry, the Enquiry Officer rendered his findings that the charge against the respondent was proved and the Disciplinary Authority has removed the respondent from service. Thereafter, the respondent raised an industrial



**W.P. No.8384 of 2022**

WEB COPY

dispute before the Labour Court, Cuddalore in I.D. No.106 of 2007, where the Presenting Officer, without considering the evidence adduced on the side of the Writ petitioner Corporation, allowed the industrial dispute and ordered the petitioner Corporation to reinstate the respondent into service with backwages. The Labour Court failed to appreciate the evidence of MW1 and MW2 and Exs.M1 to M6. The Labour Court wrongly held that Section 33(2)(b) of the Industrial Disputes Act was not followed and passed the order of dismissal, when the same was not raised by the respondent in the dispute. The Tribunal failed to appreciate that due to the negligent driving of the respondent, the accident was occurred. Therefore, the Award passed by the Labour Court is liable to be set aside.

5. The learned counsel appearing for the respondent would submit that the respondent was appointed as Driver on 01.11.1996 and was placed under suspension on 04.02.2013, a charge memo was issued against him on 06.02.2013 and the same was marked as Ex.M.4. After accepting the explanation of the respondent, his suspension was revoked and he was reinstated into service on 03.03.2013. The domestic enquiry was ordered on 05.10.2013 and a Show Cause Notice was issued on 07.11.2013. Further, the



**W.P. No.8384 of 2022**

WEB COPY

respondent continued to work upto 13.11.2014 and thereafter, he was removed from service and no permission was obtained from the competent authority under Section 33(2)(b) of the Industrial Disputes Act. The termination of the respondent by the Corporation is not proper. Before the Labour Court, on the side of the respondent, no oral or documentary evidences were adduced. The Labour Court passed a reasoned order and the Corporation failed to prove the misconduct of the respondent, thereby the punishment of dismissal is not appropriate and the same was set aside. Therefore, the order passed by the Labour Court is in order and the present Writ petition is liable to be dismissed.

6. Heard both sides and perused the materials available on record.

7. There is no dispute in respect of the relationship between the parties and the respondent was appointed as 'Driver' in the petitioner Corporation. It is also an admitted fact that the accident occurred on 20.01.2013, while the respondent was driving the bus bearing Registration No.TN32 N 3631. According to the Management, the accident occurred due to the negligence on the part of the respondent. FIR in Cr. No.22 of 2013 was registered as against



**W.P. No.8384 of 2022**

the respondent. Thereafter, the respondent was issued with a charge memo and enquiry was conducted. As per the domestic enquiry report, the charge against the respondent was proved and the Disciplinary Authority imposed major punishment of removal from service and the same was challenged through an industrial dispute in I.D. No.106 of 2007 on the file of the Labour Court, Cuddalore.

8. Before the Labour Court, no oral or documentary evidence adduced on the side of the workman driver / respondent. At the same time, on the side of the Corporation, MW1 and MW2 were examined and the documents Ex.M.1 to Ex.M.6 were marked.

9. This Court also perused the entire materials available on record. The main contention raised before the Labour Court by the respondent is that there is no approval granted by the authority under Section 33(2)(b) of the Industrial Disputes Act and there are no eye witness to prove the negligence on the part of the driver of the bus. Admittedly, the Writ petitioner / Corporation failed to produce the approval obtained from the authority for the action taken by the employer with respect to the alleged misconduct of the



**W.P. No.8384 of 2022**

WEB COPY

respondent. There is no proof that the driver of the bus drove the bus in a rash and negligent manner and thus, caused the accident.

10. On the side of the petitioner Corporation, MW2 was examined, who was the conductor of the bus at the relevant time. He has also stated that at the time of the accident, he was issuing tickets to the passengers and the driver of the bus, had suddenly stopped the bus by using sudden break and the conductor got down from the bus and noticed that an old lady sustained injuries. Further, in his cross examination, MW2 stated that he did not witness the accident and he is not an eye witness to the accident. After the accident, he got down from the bus and saw the lady, who sustained injuries. Therefore, there is no any acceptable evidence to prove the rash and negligent manner of driving on the part of the respondent / driver of the bus. In this context, the Labour Court, after the elaborate discussion, allowed the petition and set aside the order of dismissal and further directed the petitioner Corporation to reinstate the respondent with continuity of service along with backwages from the date of dismissal to the date of reinstatement. Therefore, there are no acceptable grounds to allow this Writ petition. The order passed by the Labour Court is a reasoned and there is no warrant to interfere with the



**W.P. No.8384 of 2022**

order of the Labour Court. Therefore, the present Writ petition has no merits and deserves to be dismissed.

11. Accordingly, this Writ petition is dismissed and there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

**03.06.2025**

Index : Yes/No  
Speaking order/non-speaking order  
mjs

To

The Presiding Officer,  
The Labour Court,  
Cuddalore.

**P. DHANABAL, J.,**

mjs



WEB COPY



**W.P. No.8384 of 2022**

**W.P. No.8384 of 2022**

**03.06.2025**