



W.P. No. 2114 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P. No. 2114 of 2018

and W.M.P.Nos. 2626 of 2018 & 34223 of 2019

The Management
Tamil Nadu State Transport Corporation
No.37, Mettupalayam Road
Coimbatore – 43.

... Petitioner

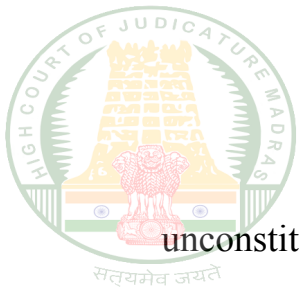
-VS-

1. A.Muthukrishnan (deceased)
2. The Presiding Officer
Labour Court
Coimbatore.
3. M.Janaki, W/o.Late A.Muthukrishnan
4. Reemasen, D/o.Late A.Muthukrishnan
5. Devesh, S/o.Late A.Muthukrishnan
Rep. by Mother and Natural Guardian
M.Janaki – R3

[R3 to R5 are substituted as Lrs of deceased R1, as per order dated 03.04.2024 in WMP No.27890 of 2023 in WP No.2114 of 2018 by this Court]

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, after calling for the records relating to the order dated 09.06.2017 passed in I.D. No. 425 of 2004 on the file of the Labour Court, Coimbatore and quash the same as being illegal, arbitrary and



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unconstitutional.

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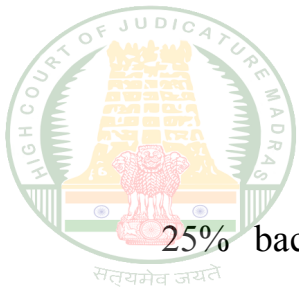
For Petitioner : Mr.A.Sundaravanam

For Respondents : Mr.J.Radhakrishnan (R1)
R2-Labour Court
Mr.P.Balakrishnan (RR3 to 5)

ORDER

This writ petition has been filed challenging the order dated 09.06.2017 passed in I.D. No. 425 of 2004 on the file of the Labour Court, Coimbatore.

2. It is the case of the petitioner that the first respondent was employed as Driver in the petitioner Corporation from 13.08.1999.. On 14.09.2001, when the first respondent was driving the bus, he hit a two wheeler, which was coming in the opposite direction and hit an electric pole also, due to which, an accident has happened and two persons lost their lives. On 19.09.2001, the first respondent was placed under suspension and on 20.09.2001 a detailed accident report was prepared by the petitioner Corporation. Thereafter, a show cause notice was issued to him seeking his explanation. However, not satisfied with his explanation, the petitioner conducted enquiry and dismissed the first respondent on 19.09.2001. Challenging the order of dismissal, the first respondent raised an industrial dispute in ID. No.425 of 2004 before the second respondent. The Labour Court vide its order dated 19.09.2001, allowed the ID and directed the petitioner to reinstate the first respondent into service with continuity of service,



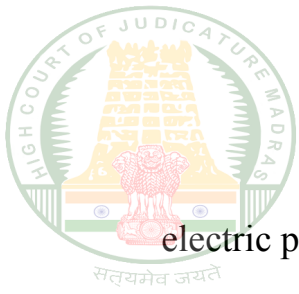
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25% back wages and other benefits. Challenging the said order dated 09.06.2017 passed by the Labour Court, the petitioner Management has filed the present writ petition.

3. The learned counsel for the petitioner submitted that admittedly the first respondent has entered into service on 13.08.1999 and immediately after expiry of two years, on 14.09.2001 he caused a fatal accident for which disciplinary proceedings were initiated and was passed an order of dismissal. Without considering the entire fact, the Labour Court has set aside the dismissal order, which is unsustainable.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though the first respondent name has been printed in the cause list, no one appeared on his behalf. Considering the pendency of the writ petition, this Court is inclined to dispose of the same with available materials on records.

5. The facts of the case are not in dispute. Admittedly, the first respondent has entered into service as driver on 13.08.1999 and after two years, the first respondent caused a fatal accident, and two persons died in the same. Apart from hitting against a two wheeler, the first respondent dashed against an



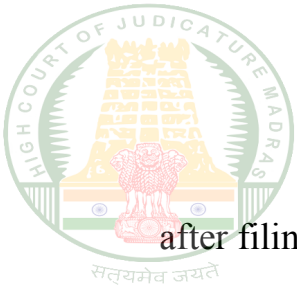
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electric pole.

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6. Considering the poor performance of the first respondent within a short spell of service, the Management took a decision to terminate him. The termination order was challenged by the workman and the same was allowed in his favour. The learned counsel for the petitioner has drawn the attention of this Court to the Full Bench decision rendered in the case of Syril Sundararaj Vs. Presiding Office, Labour Court, Tirunelveli and others in W.P.No.39563 of 2004 dated 19.03.2024 wherein the Full Bench has answered the reference as under: "(i) that *the management having filed a counter in the MACT proceedings defending its driver, it does not preclude it from initiating disciplinary proceedings against the driver; (ii) The position to the contra as laid down in Karuppasamy stands over ruled.*"

7. Considering the facts that during pendency of the case, the first respondent passed away and therefore, there is no possibility for reinstatement. In order to strike a balance between the parties, this Court directs the Management to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) as full quit, before the Labour Court to the credit of ID. No.425 of 2004. Upon deposit of the said amount, the legal heirs are permitted to withdraw the same



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after filing necessary petition before the Labour Court.

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8. With the above observation and modification, the writ petition is allowed . The order passed by the Labour Court is modified with the above terms. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

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M.DHANDAPANI, J.

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