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W.P.No.11326 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 11326 of 2023

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W.M.P.No. 11223 of 2023

The Management of Metropolitan
Transport Corporation (Chennai) Ltd.,
Pallavan House,
Pallavan Salai,
Chennai – 600 002

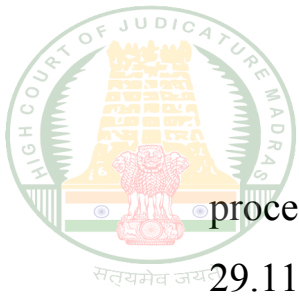
...Petitioner

Vs.

The General Secretary
Arasanga Pokkuvarathu Oozhiyar Sangam,
Regn. No.73/MDS Inaippu – CITU,
No.2, Pallavan Salai,
Kalaingaranga Valagam, Chennai 600 002.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the III Additional Labour Court, pertaining to its



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proceedings in OP.No.22 of 2020 and quash the order dated 29.11.2022 and consequently confirm the order of the punishment dated 21.11.2013.

For Petitioner : Mr. A.Vinothraj

For Respondent : Mr. S.T.Varadarajulu

ORDER

The Transport Corporation is the Writ Petitioner challenging the award passed in OP.No.22 of 2020 by the III Additional Labour Court, Chennai. The short facts are as follows.

2. The respondent Union had taken up the case of one R.Jayaraj who was working as a Driver in the writ petitioner Corporation, who had been issued with a charge memo on account of his rash and negligence driving he had caused the death of one cyclist on 20.03.2011 while driving the bus. The two cyclist were trying to overtake each other and one of the cyclist on hitting the bus had fallen down and sustained injuries, which has resulted in his death.



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3. Thereafter, a domestic enquiry was held against the said Jayaraj. However, he had not been furnished with any proceedings, domestic enquiry findings, report etc., By proceedings dated 21.11.2013 the petitioner Corporation had imposed punishment of postponement of annual increment for two years with cumulative effect.

4. Challenging the same, the Union had raised an Industrial Dispute and since conciliation proceedings had failed, the Tamil Nadu Government had referred the matter for adjudication before the III Additional Labour Court, Chennai. The two charges that had been framed against the said Jayaraj was as follows:

(i)By his negligent and rash driving of the service bus No.TW1-456 on 20.03.2011, causing death to the cyclist, thus charged under the Certified Standing Order 25 (xxvii).

(ii)By causing the accident, the driver Thiru



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R.Jayaraj has caused finance loss to the corporation and inconvenience to the passengers in the bus, and as it it act of misconduct, thus charged under the Certified Standing Order Rule 25 (xliii).

5. The objection which has been raised by the respondent Union was that the said Jayaraj has not been served with the any of the documents relating to the domestic enquiry including the complaint copy.

6. The Union had also taken out an application IA.No.1 of 2021 seeking the following details:

- (a)Final report of the Domestic Enquiry*
- (b)The proceedings of the Domestic Enquiry*
- (c)The findings of the Domestic Enquiry Officer.*

7. Since the documents were not available in the Court by order dated 06.05.2022 these applications were allowed. However, the order



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was not complied with and it was only the enquiry proceedings for a day dated 17.04.2012 that was furnished to the respondent workman.

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8. The petitioner Corporation has questioned the filing of the ID on the ground that the same is highly belated.

9. The III Additional Labour Court, Chennai held that the petitioner Corporation has not proved the negligence on the part of the workman and had also held that the non examination of the Conductor was fatal to the case. Ultimately, an award was passed in favour of the respondent Union. Hence, the Corporation has filed the Writ Petition.

10. The objection raised by the respondent Union was that the copies of the domestic enquiry was not furnished to them. This clearly indicates that the respondent was not given a fair opportunity to put across their case. The petitioner Corporation has not been able to given reasons to substantiate as to how the findings of the III Additional Labour Court, Chennai, is perverse. On the contrary the respondent



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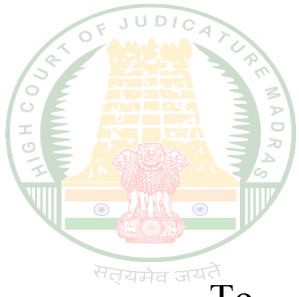
Union would show that the petitioner Corporation has not been able to substantiate the contention that it was the negligence of the driver Jayaraj which had caused the accident. Without proving negligence the Corporation cannot terminate the service of the said Jayaraj

11. Therefore, I see no reason to interfere with the orders passed by the III Additional Labour Court, Chennai. Accordingly, the writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

25.06.2025

Index : Yes/No
Internet : Yes/No

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To
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The III Additional Labour Court,
Chennai.



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P.T. ASHA, J,

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