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W.P.No.16192 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16192 of 2019

And

W.M.P.No.15908 of 2019

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

... Petitioner

Vs.

The General Secretary,
Arasanga Polluvarathu Oozhiyar Sangam,
Regn.No.73, Joint MDS (CITU)
No.2, Pallavan Salai, Kalaiaranga Valagam,
Chennai – 600 002.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the order passed in I.D.No.254 of 2013 dated 07.12.2018 on the file of the II Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr.C.Gauthamaraj
Standing Counsel



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For Respondent : Mr.S.T.Varadarajalu

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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records pertaining to the order passed in I.D.No.254 of 2013 dated 07.12.2018 on the file of the II Additional Labour Court, Chennai and quash the same.

2.The learned standing counsel appearing for the petitioner submitted that one S.Nagaraj was employed as Driver in the petitioner Corporation in Ayanavaram depot in route no.248/G plying from Vallalar Nagar to Pudur Viza Vinayagapuram, Redhills and due to his rash and negligent driving one school student died on 09.01.2006 at 16.05 hours, thereby enquiry was conducted and since the Enquiry Officer drawn proven minute, vide order dated 19.06.2007 the said S.Nagaraj was imposed with the punishment of reduction in basic pay from Rs.6,390/- to Rs.6,090/- and challenging the same, the respondent union raised industrial dispute in I.D.No.254 of 2013 and the Labour Court allowed the industrial dispute and set aside the punishment.



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3.The learned standing counsel appearing for the petitioner further submitted that as per the standing order of the petitioner Corporation, it is the duty cast upon the Driver to drive the bus in a careful manner and safeguard the passengers travelling in the bus. In the present case, the front portion of the bus went into the pit, due to which a student lost the life. The learned counsel further submitted that apart from this, the said S.Nagaraj suffered three punishments earlier, however, all those punishments were set aside and prayed for allowing the writ petition.

4.The learned counsel appearing for the respondent union submitted that due to the improper maintenance of the bus, the tyre burst and the front portion of the bus went into the pit, due to which, the accident happened. It is purely an act of God in which blaming worker is not sustainable one.

5.Heard the learned standing counsel appearing for the petitioner as well as the learned counsel appearing for the respondent and perused the materials available on record.

6.Admittedly, one S.Nagaraj was employed as Driver in the



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petitioner Corporation in Ayanavaram depot. On 09.01.2006 at 16.05 hours when the bus was plying in route no.248/G from Vallalar Nagar to Pudur, due to his rash and negligent driving one student died. It is the duty cast upon the Driver to drive the bus in a careful manner and safeguard the passengers travelling in the bus. In the present case, the Driver had driven the bus in such a manner that a tyre of the bus burst and the bus fell into a pit, for which, the punishment imposed on him by the petitioner Management is a reasonable punishment.

7.The writ petition is allowed. The order passed in I.D.No.254 of 2013 dated 07.12.2018 by the II Additional Labour Court, Chennai, is set aside. The punishment of reduction in basic pay from Rs.6,390/- to Rs.6,090/- imposed on S.Nagaraj vide order dated 19.06.2007 is restored. No costs. Consequently, connected miscellaneous petition is closed.

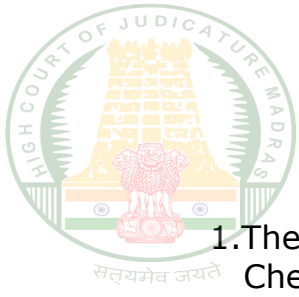
01.04.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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1. The II Additional Labour Court,
Chennai.

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M.DHANDAPANI,J.
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