



WEB COPY



W.P.No.22548 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.22548 of 2021

and

WMP.No.23778 of 2021 & WMP.Nos. 29965 & 29967 of 2022

The Managing Director
Tamil Nadu State Transport Corporation Villupuram Ltd.,
Head Office : No.3/137, Salamedu
Vazhathareddi Post, Villupuram - 605 602. .. Petitioner

Vs

D.Kuppusamy ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the Award passed in I.D.No.1 of 2017 dated 31.12.2020 on the file of the Presiding Officer, Labour Court, Cuddalore and to quash the same.

For Petitioner : Mr.M.Aswin

For Respondent : Mr.A.Mohamed Ismail



WEB COPY

W.P.No.22548 of 2017



ORDER

The petitioner-Corporation has filed the above writ petition seeking to quash the award passed by the Labour Court, Cuddalore in I.D.No.1 of 2017.

2. The facts are as below :

- a) The petitioner-Management had passed a dismissal order against the respondent-driver for a charge that while he was bus driving the bus bearing No.TN 32 / N 3525 on 14.08.2015, which was proceeding from Gingee Bus Stand to Melmalaiyanur via Vadapalai, due to the rash and negligent driving of the respondent, it hit against the motor cycle which came in the opposite direction, by reason of which, the driver of the motor cycle and two pillion riders had fallen on the road and the bus had ran over one of the pillion rider and caused an accident. Alleging that the misconduct committed by him was grave in nature, a charge memo was issued on 14.12.2025. In the meanwhile, the respondent was suspended from service on 17.08.2015 and was restored to duty on 18.09.2015.



WEB COPY



W.P.No.22548 of 2017

- b) The petitioner-Management would state that a vague reply was given by the respondent to the charge memo issued by them. Thereafter, the Management conducted domestic enquiry against the respondent, and the Enquiry Officer had found the charges proved. The report of the Enquiry Officer was sent to the respondent seeking his response and an undated reply was received from the respondent.
- c) Taking note of the reply and the past records of the respondent wherein he was stated to have committed similar misconduct on two earlier occasions and other misconducts, the petitioner-Management had decided to terminate the petitioner from services and ultimately, the order of dismissal was issued on 21.09.2016.
- d) The conciliation proceedings also ended in a failure and the conciliation officer had submitted his failure report.
- e) The respondent, thereafter, challenged the order of dismissal before the Labour Court, Cuddalore in I.D.No.1 of 2017. During trial, the respondent had sought for an additional relief of



WEB COPY



W.P.No.22548 of 2021

backwages, continuity of service and other attendant benefits etc.,

- f) By an order dated 31.12.2020, the Industrial Dispute was allowed and the petitioner-Management was directed to reinstate the respondent-workman in service with continuity of service and to pay him backwages, attendant charges etc.,

Challenging the award of the Industrial Tribunal in I.D.No.1 of 2017, the petitioner-Management is before this Court.

3. The petitioner would state that the only ground on which the Labour Court had directed reinstatement of the respondent, was the acquittal of the respondent from a criminal case. The petitioner would contend that this acquittal was not an honourable one but one for want of evidence. Further, the Labour Court has not come to the conclusion as to whether the charges were proved or not. That apart, the Labour Court has not taken into account the earlier incidents of similar misconduct of the respondent-workman.

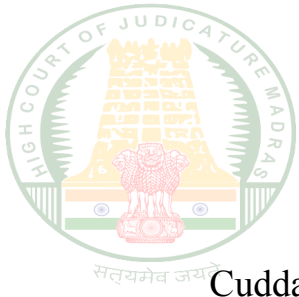
4. The counsel appearing for the respondent would submit that the Labour Court had discussed in detail the fact that the negligence could not be



attributed to the respondent from a mere perusal of the manner in which the accident had taken place.

WEB COPY

5. The learned Judge observed that the accident had occurred primarily due to the negligence of the driver of the two wheeler who had taken two person as pillion rider, that too on a rainy day during night hours. While the rider of the two wheeler without following the caution, had attempted to cross from a mud road to a tar road, he had lost his balance, owing to which, one of the pillion rider had fallen on the side of the bus and the left side back wheel of the bus had ran over her. It is also to be taken note of that the criminal Court has also acquitted the respondent. The petitioner-Management had overlooked the fact that for the earlier incidents of negligence, the petitioner-workman had been punished and therefore, the earlier incidents cannot be once again taken into consideration for the order of the dismissal dated 21.09.2016. Therefore, the order reinstating the petitioner cannot be questioned.



W.P.No.22548 of 2021

6. I see no reason to interfere with the award of the Labour Court, Cuddalore in I.D.No.1 of 2017 dated 31.12.2020. The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.06.2025

Index : Yes / No

Neutral Citation : Yes / No

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WEB COPY



W.P.No.22548 of 2021

P.T. ASHA, J.

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W.P.No.22548 of 2021

11.06.2025