



WEB COPY

WA No. 3714 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 15-12-2025**

CORAM

**THE HONOURABLE MR JUSTICE M.S. RAMESH  
AND  
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**WA No. 3714 of 2025  
C.M.P.No.30624 of 2025**

1. The Joint Managing Director  
Tamil Nadu Cooperative Milk  
Producers Federation Limited.,  
Ambattur, Chennai-98

Appellant(s)

Vs

M.Udayan (Died)  
1.U.Karpagam  
Res. at No. 22/67, 4th Street,  
EranaveeshwaranKoil Street, Ernavoor,  
Chennai-57.

2.U.Magesh  
S/o. M.Udhayan, Res. at No. 22/67, 4th  
Street, EranaveeshwaranKoil Street,  
Ernavoor, Chennai-57.

3.U.Surya  
S/o. M.Udhayan, Res. at No. 22/67, 4th  
Street, EranaveeshwaranKoil Street,  
Ernavoor, Chennai-57.

4.The Ld. Presiding Officer,  
1st Addl. Labour Court, City Civil  
Court Buildings, Chennai-104.  
Cause title accepted vide Court order dated  
16.10.2025 made in C.M.P.No.12918 of 2025  
in W.A.Sr.No.82704 of 2025 (MSRJ & RSVJ)

Respondent(s)



**PRAYER:-** Writ Appeal has been filed under Clause 15 of Letters Patent, pleaded to allow this Writ Appeal by setting aside the impugned Order dated 18.07.2023 of this Court made in W.P.No.6747 of 2015 and pass such other orders as it may deem fit and necessary and thus render justice.

For Appellant                      Mr.I.John Arockiadas  
For Respondent(s):    M/.S R.S.Anandan  
For R1 to R3  
R4 – Labour Court

**ORDER**

*(Order of the Court was made by M.s.Ramesh J.)*

The order of the learned Single Judge dated 18.07.2023 passed in W.P.No.6747 of 2015 is under challenge before us.

2.The brief facts before the Writ Court are that through a charge memo dated 10.12.2001, the appellant / Federation, had framed charges against one M.Udhaiyan, the driver under Standing Order No.16 (G) (K) and (Q). The charges against the petitioner was that he had caused a fatal accident on 22.11.2001, causing death of a pedestrian who attempted to cross the road, due to his rash and the negligent driving. The enquiry officer through his report dated 22.03.2002, had found all the charges to have been proved. After show cause notice was issued, and the consequential explanations rejected, the said Udhaiyan was dismissed from service on 10.05.2003. As against the said order, he had filed an appeal to the appellate authorities and also a mercy petition, which were dismissed. In the meantime, Udhaiyan was acquitted from criminal



case through judgment dated 16.06.2004. Ultimately the dismissal came to be challenged by him before the First Additional Labour Court, Chennai, in I.D.No.267 of 2012. By an award dated 25.11.2014, the dismissal order was set aside and the Federation who was directed to reinstate the driver, with continuity of service and 50% back wages calculated from 10.05.2003. The Federation had challenged this award dated 25.11.2014, before the Writ Court in W.P.No.6747 of 2015. During the pendency of the Writ Petition, Udhaiyan had expired on 19.07.2021 and his legal heirs were impleaded as respondents Nos.1 to 3. The Writ Petition came to be dismissed on 18.07.2023, which order is under challenge in this appeal.

3.The learned counsel for the appellant submitted that acquittal in the criminal case will not have any bearing on the departmental action since such an action is on the basis of preponderance of probabilities and the strict rules under the Evidence Act cannot be applied. According to the learned counsel, the passenger was examined during the course of enquiry and based on his evidence, the enquiry officer has rightly come to the conclusion that the charges were proved beyond reasonable doubt, based on which the punishment order was also passed. It is also submitted that the concerned driver was already visited with eighteen punishments and therefore the punishment also cannot be deemed to be disproportionate to the charges.



4. Per contra, the learned counsel appearing for the respondents 1 to 3 would submit that no eye witnesses were examined by the Management during the course of enquiry. According to the learned counsel, even the sole witness Duraibabu, who happened to be a passenger in the bus, did not depose about the rash and negligent driving of the deceased workman and hence the enquiry officer had formed an opinion that the charges has not proved, without any evidence. It is his further submission that the learned Single Judge has also taken note of the aspects and recorded that there were no evidence before the enquiry officer for finding the charges as proved and hence no interference is required to the order passed therein.

5. We have perused the enquiry officer's report dated 22.03.2002. From there, we find that one Duraibabu, the passenger was examined by the enquiry officer, who had deposed that the driver did not drive the lorry in a rash and negligent manner and that he was driven the lorry only at normal speed, at the time of the accident. Apart from this sole witness, no other witness was examined by the Management. In spite of such a statement made by the passenger, the enquiry Officer, however, has come to the conclusion that the driver had driven the vehicle in a rash and negligent manner. There is absolutely no evidence with regard to such a finding. Thus, the enquiry officer was not justified in coming to their conclusion of rash and negligent driving and therefore the finding itself would be perverse.



6.The Writ Court had also taken note of the fact that no eye witnesses were examined by the Management to prove the charges levelled against him.

Likewise the statement made by the passenger during the course of enquiry was also recorded by the Writ Court and thereby interfered with the order of punishment.

7.When there was absolutely no evidence at all before the enquiry officer, with regard to rash and negligent driving, the consequential punishment of dismissal would be illegal and perverse, which is legally impermissible. The Writ Court having rightly appreciated all these aspects, had rejected the Writ Petition filed by the Management. We do not find any reason to interfere with the well founded order. Accordingly, the Writ Appeal stands dismissed.

8.In view of the dismissal, the appellant / Federation shall forthwith disburse all the death-cum retirement benefits, including the family pensionary benefits to the respondents 1 to 3 herein by passing necessary orders within a period of one month from the date of receipt of copy of this order. Consequently, connected miscellaneous petition stands closed. No costs.

**(M.S.RAMESH J.) (R.SAKTHIVEL J.)**  
**5-12-2025**

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Index:Yes/No  
Speaking/Non-speaking order  
Internet:Yes  
Neutral Citation:Yes/No



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**M.S.RAMESH J.  
AND  
R.SAKTHIVEL J.**

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