



WEB COPY



1

W.A.(MD)NO.133 OF 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.06.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.133 of 2023 AND**

**C.M.P.(MD)No.1764 of 2023**

The Management of  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Dindigul Region,  
Rep. by its General Manager,  
Dindigul. ... Appellant / 2<sup>nd</sup> Respondent

Vs.

1. M.Paulpandian ... Respondent/Petitioner

2. The Presiding Officer,  
Labour Court,  
Trichy. ... Respondent /1<sup>st</sup> Respondent

**Prayer:** Writ Appeal filed under Clause 15 of Letters Patent, to  
set aside the order passed in W.P.(MD)No.1002 of 2016 dated  
10.08.2022.

For Appellant : Mr.S.C.Herold Singh

For R-1 : Mr.S.Arunachalam

\* \* \*



WEB COPY

**J U D G M E N T****(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard both sides.

2. The management of TNSTC, Madurai questions the order dated 10.08.2022 allowing W.P.(MD)No.1002 of 2016 filed by the first respondent herein.

3. The first respondent herein was appointed as driver in the appellant Corporation on 01.05.1996. On 27.10.1999, the bus driven by him met with a fatal accident resulting in two deaths.

4. The employee was prosecuted and convicted in C.C.No.137 of 2000 on the file of the Judicial Magistrate No.II, Udumalpet. He was also departmentally dealt with and dismissed from service vide order dated 04.07.2001. The employee raised an industrial dispute in I.D.No.150 of 2004 on the file of the Labour Court, Trichy. The Labour Court dismissed the ID vide award dated 28.05.2015. Questioning the same, Paulpandian filed W.P.(MD)No.1002 of 2016. The writ petition



was allowed by the learned single Judge vide order dated 10.08.2022

WEB COPY in the following terms:-

“ 14. In the facts and circumstances of the case, this Court has not relied on the Criminal Court judgment. From the finding of the learned Labour Judge, it is evident that no proper reason was given for the non-production of log-book and the finding that the petitioner drove the bus in the 2<sup>nd</sup> trip, after finding that there is defect in the bus during the 1<sup>st</sup> trip, is contra to the pleadings and evidence. It was found that the accident had happened only because of the mechanical defects as evidenced from PW16 / Motor Vehicle Inspector and the report of the Branch Manager. Therefore, the finding of the departmental proceedings that the petitioner was responsible for the accident and therefore, he is liable to be dismissed from service and its confirmation in the Labour Court, in the considered opinion of this Court, is not correct and is liable to be set aside and accordingly, it is set aside. The second respondent is directed to reinstate the petitioner into service with all service benefits including the continuity of service and backwages. ”

The management questions the correctness of the said order.



**WEB COPY 5.** Two facts are not in dispute. Though the employee was convicted and sentenced and the first appellate Court also dismissed the criminal appeal, the revisional Court acquitted the employee vide order dated 01.12.2003. The revisional Court rendered a categorical finding that the accident took place only on account of the mechanical defect in the bus and that the employee could not have been imputed with rashness and negligence. Paragraph No.4 of the order of the revisional Court is as follows:-

“4. Further, the learned counsel for the petitioner would draw my attention to the charge sheet itself. In the charge sheet itself it is stated that the accident was only due to the mechanical defect. The learned counsel further look me through the evidence of P.W.16, the Motor Vehicle Inspector who deposed that when he inspected the vehicle on the very next day after the accident, he found that the leg break is only to the extent of 68% and it is not equal on both sides and the front right spring assembly main blade was in a broken condition and when brake is applied, the vehicle would swerve towards right side. He further deposed that in view of the above



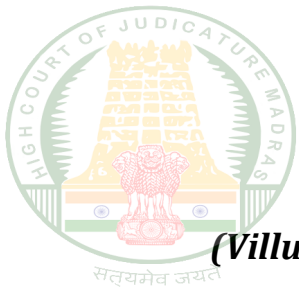
WEB COPY



facts, the vehicle would drag on towards right side when the brake was applied and he also opined that the accident would have taken place because of the mechanical defect. In the cross examination, he would state that the defects mentioned by him in his report Ex.P.8 would cause the accident. Consequently, learned counsel for the accused would argue that there is no negligence on the part of the driver. On going through the records and evidence of P.W.1 to P.W. 16, I am of the view that nothing more to be stated about other evidence and the evidence of P.W.16 is itself self serving and the order of conviction and sentence imposed on the accused by the Principal District Judge is liable to be set aside and the same is set aside.”

6. Even before the labour Court, the management did not produce the log book and prove that there was no mechanical defect in the bus. This aspect of the matter was taken note of by the learned single Judge for allowing the writ petition.

7. We are satisfied that the decision reported in **2013 (4) LLN 705 (Mad.) (E.Maari V. The Managing Director, T.N.S.T.C.**



**(Villupuram Dvn. III) Ltd.,)** is squarely in favour of the writ petitioner. It is also relevant to note that this decision was confirmed by the Hon'ble Division Bench in W.A.No.2302 of 2013.

8. That apart, the learned counsel for the writ petitioner / employee on instructions from the employee who is also present in person before this Court submitted that the employee would be satisfied, if Rs.20 Lakhs as lumpsum is given towards backwages and that he would not press his claim for reinstatement. The undertaking given by the employee is recorded. Of course the management has to necessarily pay the employees contribution towards the employee's pensionary benefits.

9. It is seen that the employee was appointed in the year 1996. He is deemed to have been retired with effect from today. Since we are confirming the order of the learned single Judge in all other respects, the service period put in by the employee would come to close 29 years and thus, he is entitled to pensionary benefits. With the aforesaid modification as regards payment of backwages and reinstatement alone, this writ appeal is partly allowed. The benefits



7

W.A.(MD)NO.133 OF 2023

payable to the employee shall be settled within a period of three

months from the date of receipt of a copy of this order. As regards the

interest component, it is the look out of the management. The

employee will not be saddled with any liability. No costs.

Consequently, connected miscellaneous petition is closed.

**(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)**

**9<sup>th</sup> June 2025**

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU



WEB COPY



8

W.A.(MD)NO.133 OF 2023

**G.R.SWAMINATHAN,J.**

**AND**

**K.RAJASEKAR, J.**

PMU

W.A.(MD)No. 133 of 2023

09.06.2025