

W.P.(MD)No.511 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.511 of 2019

and

W.M.P.(MD)No.429 of 2019

The Management,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Virudhunagar Region,
Madurai Road, Virudhunagar.

...Petitioner

-Vs-

V.Balamurali

...Respondent

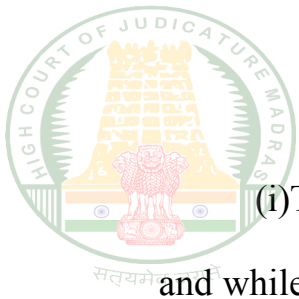
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the award dated 26.09.2018 in I.D.No.55 of 2015 on the file of the Labour Court, Madurai quash the same.

For Petitioner : Mr.S.Raja
For R1 : No Appearance

ORDER

This writ petition was filed challenging the impugned order passed by the Labour Court, Madurai dated 26.09.2018 in I.D.No.55 of 2015.

2.The facts, which lead to the filing of this writ petition are as follows:

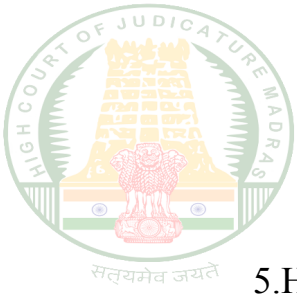


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(i)The respondent was appointed as a Driver in the petitioner Corporation and while he was driving the bus, he dashed against a two wheeler and a rider of a two wheeler, who died and the pillion rider of the two wheeler, sustained grievous injuries. Hence, the respondent was made to undergo enquiry and he was imposed with the punishment of stoppage of one year increment cut with cumulative effect. The respondent challenging the order of punishment, had approached the Labour Court, Madurai. The Labour Court, had set aside the punishment of one year increment cut imposed on the respondent. Challenging the same, the petitioner/Management has filed the present writ petition.

3.The learned counsel for the petitioner submits that the Labour Court without considering the gravity of misconduct committed by the respondent, had set aside the punishment imposed by the petitioner Corporation. The legal heirs of the deceased filed claim petition and the petitioner management was asked to pay a sum of Rs.7,58,000/-. The petitioner Corporation had sustained huge loss on account of the negligence committed by the respondent. The Labour Court, without considering this aspect, has passed the impugned order setting aside the order of punishment imposed on the respondent. Hence, he would urge this Court to set aside the order passed by the Labour Court.

4.There is no representation for the respondent.



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5. Heard the submissions made by the learned counsel for the petitioner and perused the materials placed on record.

6. The stand taken by the petitioner corporation for imposing punishment of one year increment cut is that the explanation given by the respondent was not satisfactory and the petitioner Corporation sustained heavy loss due to the act of the respondent.

7. The Labour Court after analyzing the oral and documentary evidence available on record, has found that there is no eye witness to the accident caused by the respondent and the Corporation failed to prove that the respondent is solely responsible for the accident. Therefore, the Labour Court has rightly allowed the petition filed by the respondent by setting aside the punishment imposed on the respondent.

8. I do not find any infirmity in the order passed by the labour Court. Hence, the order of the Labour Court stands confirmed and this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.01.2025

Index:yes/no
Internet:yes/no
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<https://www.mhc.tn.gov.in/judis>



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KRISHNAN RAMASAMY, J.

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To

Labour Court, Madurai

W.P.(MD)No.511 of 2019

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