



W.A(MD) No.2088 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.2088 of 2025

and

C.M.P.(MD)No.1955 of 2025

The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi Managiri,
Karaikudi,
Sivagangai District.

... Appellant / Respondent

Vs.

S.Maheswaran

... Respondent / Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed by this Court in W.P.(MD)No. 23256 of 2023, dated 25.09.2023 and allow the same.

For Appellant : Mr.K.Ramaiah

For Respondent : Mr.SP.Vijay Nivas



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JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The respondent herein is employed as driver in the appellant transport corporation. The bus driven by him was involved in a fatal accident on 08.07.2023. In this regard, Crime No.442 of 2023 was registered by Melur Police Station for the offence under Section 304(A) of IPC. Subsequently, the management issued charge memo dated 21.08.2023 against the respondent. Challenging the same, W.P.(MD)No. 23256 of 2023 was filed. The learned single Judge disposed of the writ petition and quashed the charge memo. Challenging the same, this writ appeal has been filed.

3. The learned standing counsel for the corporation reiterated all the contentions set out in the grounds of appeal. He pointed out that the victim's family filed M.C.O.P.No.1973 of 2023 on the file of the MACT, Madurai and obtained compensation to the tune of more than



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Rs.18,00,000/- against the appellant corporation. He therefore called upon this Court to set aside the order of the learned single Judge and allow the writ appeal as prayed for.

4. We are not impressed by the said submission. Our attention is drawn to Clause 61 of the settlement under Section 12(3) of I.D. Act entered into between the management and the employees. The said clause reads as follows:-

“61. Where a driver involved in an accident and held guilty of charge in domestic enquiry, subsequently, honourably acquitted in the criminal case, the decision in the disciplinary case on the same charge may be revised based on the orders of the Court. However, if the acquittal is by benefit of doubt, no such revision is necessary.”

5. In the case on hand, even though FIR was registered against the writ petitioner, no final report was filed. On the ground that the writ petitioner was not at fault, the writ petitioner's name was deleted from the array of the accused. Copy of the final report dated 09.08.2023 has already been made available. We also went through the Judgment of the Tribunal. The Tribunal had noted that the victim was a 16 years old



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minor, who had ridden the motor vehicle. That is why, contributory negligence was fixed. This is not a case of acquittal by benefit of doubt.

On the other hand, it is equivalent to honourable acquittal. Therefore, the aforesaid clause is very much applicable. The learned single Judge rightly applied the same in favour of the writ petitioner. Quashing of the charge memo is justified. Interference with the said order is not warranted. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
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