



W.A.(MD)No.2456 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.04.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.A.(MD)No.2456 of 2024
and
C.M.P.(MD)No.17177 of 2024

The Management,
Tamil Nadu State Transport Corporation,
Tiruneveli Region, Nagercoil,
Ranithottam, Kanyakumari District.

...Appellant

-Vs-

The State Transport employees Munnetra Sangam,
Represented by its General Secretary,
Registration No.176/84/KKM,
Ranithottam, Nagercoil, Kanyakumari District,
For M.Arikrishnan, Employee,
(Driver No.9106)

...Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, to set aside the order of this Court made in W.P.(MD)No.20863 of 2022 dated 21.03.2024.

For Appellant : Mr.D.Jebaraj
For Respondent : Mr.R.Murugan

JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This Writ Appeal is filed against the order of this Court, dated 21.03.2024 in W.P.(MD)No.20863 of 2022.

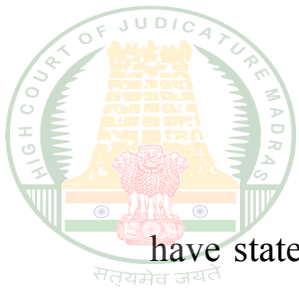


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2.The respondent is representing the driver of the appellant corporation. The driver of the appellant corporation was imposed with the punishment of stoppage of increment for a period of two years with cumulative effect for causing heavy loss to the appellant corporation in an accident. The Industrial Dispute filed by the delinquent was allowed and the punishment imposed against the delinquent was set aside. Challenging the same, the appellant Management filed writ petition and this Court by an order dated 21.03.2024 had dismissed the writ petition confirming the order of the Tribunal. Challenging the same, the appellant corporation has filed this writ appeal.

3. Perusal of records would reveal that there is no guilt on the part of the workman (delinquent) for the alleged act committed by him for rash and negligent driving. Moreover, it can be averred that in the criminal case filed against the workman (delinquent) in C.C.No.1/2017 on the file of learned Special Judicial Magistrate, Tirunelveli, the workman (delinquent) got acquitted from the criminal case.

4. Moreover, the appellant management, arrayed as 1st respondent in the claim petition filed by the injured persons in M.C.O.P.No.728 of 2016 before the Motor Accident Claims Tribunal, has filed their written submissions wherein they



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have stated that the workman (delinquent) drove the bus with care and caution by following the traffic rules and is not liable for the accident that happened.

Having taken a favourable view in favour of the workman (delinquent) before the Motor Accident Claims Tribunal, and now contradicting from the said version is not rightly acknowledgable in the eyes of law. Initially the appellant Management was an ally in the M.C.O.P. Proceedings with the workman (delinquent) and later making an accusation against the workman (delinquent), shows the unstable nature of the appellant Management.

5.The learned Single Judge, considering all these aspects has rightly dismissed the writ petition. Hence, this Court is not inclined to interfere with the order passed by the learned Single Judge. Accordingly, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (S.S.Y.,J.)
09.04.2025

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