



W.A.(MD)No.2558 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.09.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MS.JUSTICE P.T. ASHA**

W.A.(MD)No.2558 of 2025

The General Manager,
Tamil Nadu State Transportation (Kum) Ltd.,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi, Sivagangai District.

...Appellant/Respondent

Vs.

R.Jeyabalan

...Respondent/Petitioner

PRAYER:- Writ Appeal filed under Clause XV of Letters Patent, to set aside the order made in W.P.(MD)No.7542 of 2024 dated 27.03.2024 on the file of this Court and allow the Writ Appeal.

For Appellant : Mr.K.Ramaiah

For Respondent : Mr.S.P.Vijay Nivas



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JUDGMENT

(Judgment of the Court was made by **P.T.ASHA, J.**)

This Intra Court appeal is filed by the respondent in W.P(MD)No.7542 of 2024 challenging the order passed therein.

2. The brief facts which has given rise to the above writ appeal are as follows:

(a) The respondent was working as a Driver in the appellant Corporation at their Kamuthi Branch. On 21.05.2023 at about 03.45 p.m., when he was driving the appellant bus bearing Registration No.TN63 N 1357, as he neared Manjur on the Paramakudi to Ramnad road, one Sivasakthi riding a two wheeler suddenly crossed the road oblivious of the warning horn given by the petitioner. The respondent had immediately swerved the bus to the extreme left in order to avoid colliding with the rider of the two wheeler. However, the two wheeler rider dashed the front side of the bus and died on the spot on account of head injury as he was not wearing his helmet.



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(b) An F.I.R was registered in Crime No.130 of 2023 by Paramakudi Taluk Police in respect of the above accident and after a thorough enquiry, an “action dropped” report was submitted by them as there was no mistake on the part of the respondent. However, the appellant had suspended the respondent from service vide proceedings, dated 22.05.2023.

(c) The respondent would submit that though action was dropped, the appellant had issued the impugned charge memo, dated 29.05.2023 in respect of the very same accident, for which action had been dropped by the police after thorough investigation and after holding that there was no mistake on the part of the respondent. The respondent therefore challenged the charge memo by filing W.P(MD)No.7542 of 2024. The appellant had not filed any counter affidavit, but had made their oral submissions before the Court.



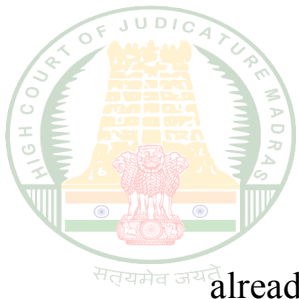
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(d) The learned Single Judge relying upon Clause 61 of the settlement under Section 12(3) of Industrial Disputes Act entered into between the employees of the appellant Corporation and the appellant Corporation, quashed the charge memo. Challenging the same, the appellant Corporation is before this Court.

3. The learned counsel appearing for the appellant would submit that the order was passed in W.P(MD)No.7542 of 2024 at the admission stage itself without affording an opportunity to the appellant Corporation to submit their counter affidavit and defend their case cannot be sustained. Further, the learned Single Judge had failed to appreciate that it is against a charge memo that the writ petition has been filed. He also contended that this writ petition could be used as a precedent for other persons to escape from punishment being imposed for grievous charges.

4. The learned counsel appearing for the respondent on the other hand would submit that the appellant and the respondent have



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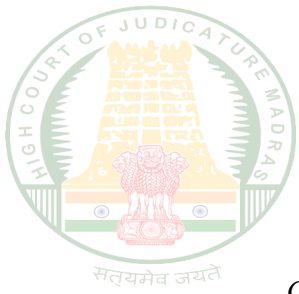
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already entered into a settlement under Section 12(3) of the Industrial Disputes Act, in and by which it was clear that where an employee is honourably acquitted in a criminal case, a domestic enquiry on the very same charges shall not be initiated. The settlement further provided that in case the acquittal is on benefit of doubt, then the domestic enquiry can be proceeded with.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The issue as to whether the petitioner can be subjected to domestic enquiry though he has been honourably acquitted is placed for our consideration. The records would show that the appellant Transport Corporation and its employees had entered into a settlement under Section 12(3) of the Industrial Disputes Act. Clause 61 of this settlement provides 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



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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.”

7. Therefore it has been agreed between the appellant and its employees that where an employee has been honourably acquitted in a criminal case, then in the domestic enquiry also, he shall stand absolved. The police have submitted an action dropped report on the ground that the respondent was in no way responsible for the accident. The domestic enquiry itself is only based on the accident and the consequent death of the two wheeler rider. Therefore, since the genesis for the domestic enquiry as well as for the criminal proceedings is the accident and the death of the two wheeler rider, in view of Clause 61 of the settlement under Section 12(3) of the Industrial Disputes Act, the charge memo has to be quashed and it has been rightly quashed by the learned Single Judge. We therefore see no reason to interfere with the order passed in W.P(MD)No.7542 of 2024.



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8. Hence, this Writ Appeal stands dismissed. No costs.

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Consequently, connected Miscellaneous Petition/s is/are closed.

**[A.S.M.J.] & [P.T.A.J.,]
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NCC :Yes/No
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