

W.P.(MD)No.19033 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.19033 of 2017 &
W.M.P.(MD)No.15373 of 2017

The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Nagercoil Region, Ranithottam,
Nagercoil. ...Petitioner

vs.

- 1.The Presiding Officer,
The Labour Court, Tirunelveli.
- 2.The General Secretary,
Tamil Nadu State Transport Corporation,
Employees Association, Nagercoil Region,
Ranithottam, Nagercoil -1. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records relating to the impugned award passed by the Labour Court, Tirunelveli in I.D.No.40 of 2013 dated 07.10.2014 and quash the same.

For Petitioner : Mr.K.Sathiya Singh
For Respondents : Mr.P.Thambidurai
Government Advocate for R1
Mr.T.Selvakumaran for R2



W.P.(MD)No.19033 of 2017

ORDER

WEB COPY

This writ petition has been filed seeking to quash the impugned order dated 07.10.2014 passed by the Labour Court, Tirunelveli in I.D.No.40 of 2013.

2. The learned counsel appearing for the petitioner would submit that in the present case, due to the negligence on the part of the Conductor, accident occurred on 05.03.2009, whereby, while attempting to spit through the door, a passenger fell down from the foot board of the bus and died on the spot. According to him, the main cause of the accident is that the Conductor failed to caution the passengers not to spit through the door. However, the Labour Court failed to consider these aspects and set aside the punishment imposed on the Conductor, which requires interference.

3. On the other hand, the learned counsel appearing for the second respondent would submit that in the present case, subsequent to the accident on 05.03.2009, a complaint was filed and First Information Report was registered against the Driver of the bus. No case was



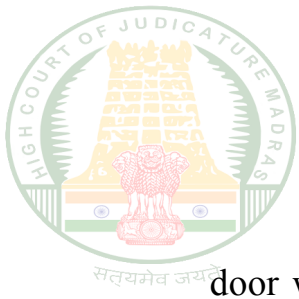
W.P.(MD)No.19033 of 2017

WEB COPY

registered as against the Conductor. However, surprisingly, disciplinary proceedings were initiated against the Conductor and not against the Driver, citing the reason that they have to pay huge compensation. He would further submit that no one was examined as witness in the present case to establish the case of the Management. All these aspects were taken into consideration by the Labour Court. Therefore, there is no need to interfere with the well considered order passed by the Labour Court and prayed for dismissal of the writ petition.

4. I have given due consideration to the submissions made on either side and perused the materials available on record.

5. There is no dispute on the aspect that no complaint was filed as against the Conductor. Complaint was filed only against the Driver of the bus. The complaint was lodged by a person who witnessed the accident. In the complaint, it is stated that since the Driver of the bus applied sudden brake and attempted to turn the vehicle, an old passenger aged about 55 years fell down and died. Nowhere in the complaint, it is stated that a passenger fell down while attempting to spit through the



W.P.(MD)No.19033 of 2017

WEB COPY

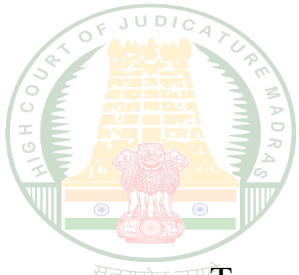
door while standing on the foot board of the bus and the Conductor of the Bus failed to caution him. This Court is unable to find out as to how the Enquiry Officer came to the conclusion that the passenger fell down and died while attempting to spit through the door. According to the Management, the passenger attempted to spit through the door and the Conductor failed to caution him. However, the Management has not examined any witness to establish this version.

6. The Labour Court, after taking into consideration the above aspects and the facts and circumstances of the case, has rightly set aside the punishment imposed on the Conductor. I do not find any infirmity in the order passed by the learned Judge of the Labour Court. Therefore, I am not inclined to interfere with the orders passed by the Labour Court. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

28.01.2025
(1/2)

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

mbi



W.P.(MD)No.19033 of 2017

To
WEB COPY

The Presiding Officer,
The Labour Court,
Tirunelveli.



WEB COPY



W.P.(MD)No.19033 of 2017

KRISHNAN RAMASAMY, J.

mbi

W.P.(MD)No.19033 of 2017

28.01.2025
(1/2)