



W.P.(MD)No.19696 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.19696 of 2017 &
W.M.P.(MD)No.15980 of 2017

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli Region,
Vannarpettai,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli Region,
Vannarpettai,
Tirunelveli.

...Petitioners

vs.

1.The Presiding Officer,
The Labour Court,
Tirunelveli.

2.The General Secretary,
Tamil Nadu State Transport Corporation,
AITUC Labour Union,
Tamil Nadu State Transport Corporation,
Head Office Opposite,
Vannarpettai, Tirunelveli.

...Respondents



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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 first respondent in I.D.No.5 of 2016 dated 06.07.2016 and quash the same.

For Petitioner : Mr.K.Sathiya Singh
For Respondents : Mr.P.Thambidurai
Government Advocate for R1
Mr.G.M.Xavier for R2

ORDER

This writ petition was filed to quash the impugned order dated 06.07.2016 passed by the Labour Court, Tirunelveli in I.D.No.5 of 2016.

2. The learned counsel appearing for the petitioners would submit that in the present case, due to the negligence on the part of the Conductor, accident occurred on 09.09.2009, whereby, a student fell down from the steps 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 travel on the foot board and the same was also proved. However, the Labour Court failed to consider these aspects and set aside the punishment imposed on the Conductor.



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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 09.09.2009, a complaint was filed and First Information Report was registered against the Driver of the bus. No case was registered as against the Conductor. However, to the shock and surprise, 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 an injured passenger was examined as a witness during Domestic Enquiry and he has categorically deposed that though the Conductor has blown whistle and attempted to stop the vehicle, the Driver of the bus failed to stop the vehicle. In spite of proving the case of the Conductor that he has diligently performed his duties, he was imposed with the punishment. 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.

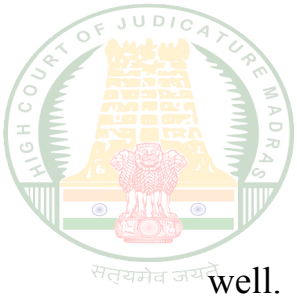
4. I have given due consideration to the submissions made on either side and perused the materials available on record.



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5. There is no dispute on the aspect that one of the injured was examined at the time of Domestic Enquiry, who deposed that the Conductor has blown his whistle, however, the Driver failed to stop the vehicle. No complaint was filed as against the Conductor. Complaint was filed only against the Driver of the bus. It is also an admitted fact that no eye-witness was examined to establish the case of the Management that the Conductor was responsible for the accident. According to the Management, passengers travelled on the foot board and the Conductor failed to caution them. However, no eye-witness was examined to establish this contention. On the other hand, the injured has deposed during enquiry that the Conductor has blown his whistle. He has not also deposed as to whether the particular passenger who died had travelled on the foot board of the bus or not. Further, this Court would like to make it clear that, in the present case, even assuming that the deceased travelled on the foot board of the bus, it is not in dispute that the bus plied without any door. It is a bounded duty of the Management to ply the vehicles with doors. In the event if any vehicle is plied without doors and if passengers fell down, then entire blame cannot be placed on the Driver or Conductor alone, but the Management has to be blamed as



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well. Therefore, it is the very responsibility of the Management to ensure the safety of passengers by making the vehicle intact without any defects.

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 order passed by the Labour Court. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

28.01.2025
(2/2)

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

mbi

To

The Presiding Officer,
The Labour Court,
Tirunelveli.



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KRISHNAN RAMASAMY, J.

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