



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

WA No. 988 of 2026

and

CMP.No.10186 of 2026

The Management of Tamil Nadu,
State Express Transport Corporation Ltd,
Villupuram.

..Appellant

Vs

A.Raju

..Respondent

Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 03.06.2025 made in WP.No. 8384/2022.

For Appellant :

Mr.R.Cauveri Selvan

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the Writ order dated 03.06.2025 in W.P.No.8384 of 2022.

2. The writ Petitioner, Tamil Nadu State Express Transport Corporation Ltd., Villupuram is the appellant before this Court. The respondent was working as a Driver in the appellant Corporation. A road accident occurred on 04.02.2013 and he was place under suspension. A charge memo was issued



mainly on the allegation that he had driven the bus in a rash and negligent manner and caused the accident, which resulted in death of one

Mathiyammal, aged about 75 years. Domestic enquiry was conducted.

Based on the enquiry officer's report holding that the charge is held proved, the respondent was removed from service. Challenging the order of removal, the workman raised an industrial dispute in ID.No.106 of 2007 and the labour Court allowed the industrial dispute with a direction to reinstate the respondent with continuity of service along with back wages.

3. The award came to be challenged by the appellant in the Writ Petition. The writ Court mainly found that the appellant Management has not produced any order of approval granted by the competent Authority under Section 33(2)(b) of the Industrial Disputes Act. That apart, there was no eye witness to prove negligence on the part of the driver of the bus/ workman. Since the appellant has failed to produce the approval order obtained from the competent Authority, the writ Court has dismissed the Writ Petition. That apart, the writ Court further considered the circumstances under which the accident occurred, which was not established beyond any pale of doubt.

4. The learned counsel for the appellant would mainly contend that the respondent involved in three accidents on earlier occasion.



5. The ground raised by the appellant would show that two earlier accidents are minor accidents and subject accident alone is a fatal one.

Pertinently the respondent even at the time of filing of the Writ Petition was aged about 56 years and currently he would be around 60 years and he is at the verge of his retirement.

6. Considering the fact that the appellant failed to produce the approval order, which is mandatory under Section 33(2)(b) of the Industrial Disputes Act and further there was no eye witness to establish negligence of the bus driver in the present case, the Writ Petition filed by the Management was dismissed.

7. This Court does not find any further reason to interfere with the writ order impugned. Therefore, writ order stands confirmed. Consequently, the Writ Appeal stands **dismissed**. No costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.S.,J.) (R.S.V.,J.)
24-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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**S.M.SUBRAMANIAM, J.
AND
R.SAKTHIVEL, J.**

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