



W.P(MD)No.18563 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.18563 of 2026
and
WMP (MD) No.13731 of 2022

The Management
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Bypass road,
District Collector Office Post
Dindigul – 624 004.

... Petitioner(s)

vs.

1. The Special Joint Commissioner of Labour,
Chennai-6.

2. P Sakthivel

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records on the file of the 1st respondent pertaining to its proceedings A.P. No. 204 of 2011 dated 19-05-2025 and quash the same.

For Petitioner

: M/s.S.C.Herold Singh



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For R1

: Mr.R.Ramasamy, Counsel for State

For R2

: Mr.S.Arunachalam

ORDER

Challenging the rejection order of the approval petition dated 19.05.2025 passed by the first respondent, the Management Transport Corporation has filed the present writ petition.

2. The learned counsel appearing for the petitioner Corporation submitted that the respondent was appointed as a Conductor in the petitioner Transport Corporation in the year 1986. While in service, the respondent remained unauthorisedly absent from 25.01.2010 to 06.07.2011. Consequently, disciplinary proceedings were initiated. A domestic enquiry was conducted by the Enquiry Officer after issuing notices and affording opportunity to the respondent. However, the respondent deliberately failed to participate in the enquiry. Consequently, an ex parte enquiry was conducted and after complying with all statutory formalities, an order of dismissal from service was passed on 06.07.2011. Immediately thereafter, the petitioner filed an approval petition under Section 33(2)(b) of the Industrial Disputes Act before the Labour Court. The



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approval petition was rejected on the ground that the domestic enquiry was not fair and proper by applying the principles laid down by the Hon'ble Supreme Court in *Lalla Ram v. D.C.M. Chemical Works Ltd.*, reported in *AIR 1978 SC 1004*. Aggrieved thereby, the petitioner Corporation filed W.P. (MD) No.18144 of 2014 before this Court. This Court remanded the matter to the first respondent for fresh consideration. Pursuant to the remand, the first respondent, by order dated 19.05.2025, again rejected the approval petition. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the first respondent failed to appreciate the limited scope of an approval petition under Section 33(2)(b). In the present case, a domestic enquiry was in fact conducted after issuing notices to the respondent. It was only because the respondent deliberately abstained from participating in the enquiry that an ex parte enquiry became necessary. Therefore, the finding that the enquiry was not fair and proper is unsustainable. The only charge against the respondent was prolonged unauthorised absence, which stood proved in the domestic enquiry. Accordingly, the petitioner prayed for allowing the writ petition.



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4. Per contra, the learned counsel appearing for the second respondent submitted that no sufficient opportunity was afforded to the respondent during the domestic enquiry and that the enquiry was conducted ex parte in violation of the principles of natural justice. Consequently, the order of dismissal based on such enquiry cannot be sustained. It was further submitted that, in any event, dismissal from service for the charge of unauthorised absence is grossly disproportionate, particularly when the respondent had put in nearly 25 years of service after his appointment in 1986. The first respondent, therefore, rightly held that the enquiry was not fair and proper and rejected the approval petition, which does not call for interference. However, the learned counsel for the second respondent fairly submitted that the second respondent will not claim continuity of service, back wages or any other monetary benefits for the period of unauthorised absence, namely from 25.01.2010 to 06.07.2011.

5. Having considered the rival submissions and the materials available on record, to meet the ends of justice, this Court is of the considered view that the second respondent shall not be entitled to continuity of service or



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back wages for the period of unauthorised absence from 25.01.2010 to 06.07.2011. However, the second respondent shall be entitled to continuity of service for the period from 06.07.2011, being the date of dismissal, till the date of superannuation i.e., 30.09.2017, for all limited purpose of calculating terminal and retiral benefits. Nevertheless, the second respondent shall not be entitled to any back wages for the period from 06.07.2011 till the date of superannuation.

6. Accordingly, the writ petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

17.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

To

The Special Joint Commissioner of Labour,
Chennai-6.

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M.DHANDAPANI,J.

PKN

**ORDER MADE IN
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