

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 25.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.(MD).No.300 of 2011 & W.P(MD).No.6661 of 2009
and
M.P.(MD)No.1 of 2011 & M.P.(MD).No.1 of 2009

W.A(MD).No.300 of 2011 :

The Management,
Tamil Nadu State Transport Corporation,
(Madurai Division-I) Limited,
rep.by its Managing Director,
By-pass Road, Madurai-625 016.

... Appellant/Petitioner

Vs.

1. The Joint Commissioner of Labour
(Conciliation),
D.M.C.Compound,
Teynampet, Chennai-6.

2. M.Navaneethagopalan,
Conductor, Staff No.02155

... Respondents/Respondents

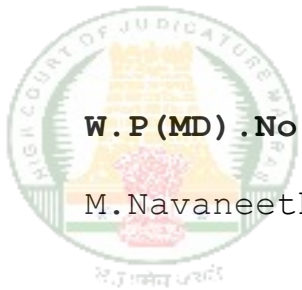
PRAYER:Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order dated 12.08.2008 in W.P.(MD)No.508 of 2007 on the file of this Court.

Prayer in WP(MD). 508/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the 1st respondent in his proceedings in Approval petitioner no. 157/2003 dated 03/02/2006 quash the same.

For Appellant
For Respondents

: No Appearance
: Mr.Arunachalam for R2
No Appearance for R1



W.P(MD) .No.6661 of 2009 :

M.Navaneetha Gopalan

... Petitioner

Vs.

The Management,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
rep.by its Managing Director,
By-pass Road,
Madurai.

... Respondent

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to comply with the order dated 03.02.2006 of the Joint Commissioner of Labour, Chennai, in Approval Application No.157/03 as confirmed by this Court, by an order dated 12.08.2008 in W.P.(MD)No.508 of 2007 and to pay back wages and all other terminal benefits of the petitioner.

For Appellant : Mr.S.Arunachalam
For Respondent : No Appearance

JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The Management of Tamil Nadu State Transport Corporation is on appeal questioning the order dated 12 August 2008 dismissing the W.P(MD) .No.508 of 2007.

2.The second respondent herein was employed as conductor in the appellant Corporation. Disciplinary action was taken against the second respondent by issuing a charge memo on 14.03.2002 with regard to certain discrepancies found in the issuance of ticket to the passengers on 08.03.2002 by the second respondent. The enquiry officer held that the charges levelled against the second respondent were proved. He was dismissed from service on 13.02.2003. Approval of the competent authority was sought under section 33(2)(b) of the Industrial Disputes Act, 1947 for the said punishment. The approval petition was taken up on the file of the first respondent in Approval petition No.157 of 2003. The first respondent however declined to grant approval and passed the impugned order dated 03.02.2006 to that effect. The same was questioned in W.P(MD) .No.508 of 2007. The learned Judge finding no merit in the writ petition dismissed the same. Against the said order, the present intra Court appeal has been filed.



arrived at by the employer was bonafide and whether any unfair labour practice was committed and whether the proceedings suffered from any perversity. On such grounds the competent authority can definitely decline to grant approval. The first respondent has come to a conclusion that the finding of the enquiry officer was perverse.

4.The learned single Judge exercising the jurisdiction under Article 226 of the Constitution of India did not deem it fit to interfere with the said order passed by the first respondent. We see no reason to differ from the view taken by the learned single Judge.

5.Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

6.Since W.A.(MD) No.300 of 2011 stands dismissed, W.P.(MD) No.6661 of 2009 has to be necessarily allowed. Accordingly, the writ petition is allowed. The respondent is directed to comply with the order dated 03.02.2006 passed by the Joint Commissioner of Labour, Chennai, in Approval Application No.157/03 as confirmed by this Court.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Joint Commissioner of Labour
(Conciliation),
D.M.C.Compound,
Chennai.

+1cc to M/S. S.ARUNACHALAM, Advocate, SR.No.68109.

W.A. (MD) .No.300 of 2011 &
W.P(MD) .No.6661 of 2009
and
M.P. (MD)No.1 of 2011&
M.P. (MD) .No.1 of 2009
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