



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 11264 of 2016

and

W.M.P. (MD). Nos. 8622 & 14448 of 2016

The Management,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye Pass Road,
Collectorate Post,
Dindigul - 624 004.

.. Petitioner

Vs.

1.The Special Deputy Commissioner of Labour,
Chennai - 600 006.

2.P.Kuppusamy

.. Respondents

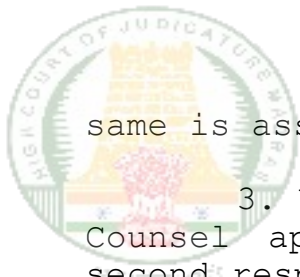
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for records of the first respondent in his proceeding in A.P.No.307 of 2012 dated 30.03.2015 and quash the same.

For petitioner	: Mr. A.Jeyaram
For R.1	: Mrs.S.Srimathy
	Special Government Pleader
For R.2	: Mr. A.Rahul

O R D E R

Heard the learned counsel on either side.

2. The second respondent was employed as a Reserve Driver in the petitioner/Transport Corporation. The bus which he was driving got involved in an accident on 23.11.2010. It was a fatal accident. Therefore, the petitioner was issued with charge memo dated 11.01.2012. Finally by order dated 22.12.2012, he was dismissed from service. To secure approval, Approval Petition No.307 of 2012 was filed before the first respondent. The first respondent by impugned order dated 30.03.2015, declined to grant approval. The



same is assailed in this writ petition.

3. When the matter was taken up for the disposal, the learned Counsel appearing for the second respondent submitted that the second respondent was acquitted in C.C.No.22 of 2011 on the file of the Judicial Magistrate, Oddanchathram dated 21.05.2014. It was also pointed out that the petitioner/Management took a stand in the claim proceedings that the second respondent herein was not at fault. This subsequent development can certainly be taken note of by this Court. In the order impugned in this writ petition, the first respondent has given a specific finding that there was no prima facie case made out against the second respondent herein. This Court is of the view that this finding is not fit for interference in exercise of jurisdiction under Article 226 of the Constitution of India. There is no merit in the writ petition.

4. This writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

The Special Deputy Commissioner of Labour,
Chennai - 600 006.

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 47927

KMI

TE/KKR/SAR-3 : 04/05/2018 : 2P/3C

ORDER MADE IN
W.P. (MD) No. 11264 of 2016
12.02.2018