



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2018

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.22815 of 2016 and
W.M.P. (MD) No.16334 of 2016

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Division,
Bye-Road, Madurai - 625 010.

... Petitioner

Vs.

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

2. S.Prasanna Sundaram

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent in his proceeding in Approval petition in A.P.No.357 of 2013 dated 05.04.2016 and quash the same.

For Petitioner : Mr.A.Jeyaram
For R-1 : Mr.A.Kannan
For R-2 : No appearance.

O R D E R

The second respondent was employed as a conductor in Tamil Nadu State Transport Corporation (Madurai) Ltd., Madurai. He was unauthorisedly absent. Therefore, disciplinary action was taken by issuing charge memo dated 13.06.2013. He was dismissed from service by order dated 15.12.2013.

2. The Management presented an Approval petition in A.P. No.357 of 2013 before the first respondent herein under Section 33 (2) (b) of the Industrial Disputes Act 1947. The first respondent by impugned order dated 05.04.2016, declined to grant approval. The same is questioned in this Writ petition.

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3. Heard the learned counsel on either side.



4. It is seen that the authority took the view that imposing punishment of dismissal for unauthorized absence is grossly disproportionate and harsh. While answering the issue No.3, the first respondent noted that the Management did not file the relevant documents pertinent to the charges. Since the first respondent came to the conclusion that the due opportunity was not afforded to the employee and that there has been violation of principles of natural justice, approval was declined.

5. This Court in exercise of its discretionary jurisdiction under Article 226 of the Constitution of India, is not inclined to interfere with such a finding rendered by the first respondent. In that view of the matter, this Court finds no merit in this Writ petition.

6. The Writ petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-)

To

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

PMU

TE/KAK/SAR-1 : 28/08/2018 : 2P/2C

ORDER MADE IN
W.P. (MD) .No.22815 of 2016 and
W.M.P. (MD) No.16334 of 2016
13.02.2018