



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.5231 of 2016

and

W.M.P. (MD) No.4688 of 2016

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bypass Road, Collector Office Post,
Dindigul - 625 010.

... Petitioner

Vs.

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

2. C.M.Pitchai Mani

... 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.117 of 2013 dated 03.11.2014 and quash the same.

For Petitioner	: Mr.A.Jeyaram
For R-1	: Mrs.S.Srimathy, Special Government Pleader
For R-2	: Mr.G.M.Xavier

ORDER

The second respondent was employed as a driver in Tamil Nadu State Transport Corporation (Madurai) Limited, Dindigul. He was unauthorisedly absent for a period of 61 days without getting prior permission. Therefore, disciplinary action was taken against him by order dated 19.03.2013. He was dismissed from service.

2. The Management filed an Approval petition before the authority under Section 33(2)(b) of the Industrial Disputes Act, 1947. The first respondent herein by order dated 03.11.2014, rejected the A.P.No.117 of 2013 filed by the Management. Such order of rejection in question is assailed in this Writ petition.



3. Heard the learned counsel on either side.

4. This Court carefully went through the order of rejection passed by the authority. It is seen that the Management did not place any material before the authority to sustain his contention that the domestic enquiry was conducted in accordance with law. The authority therefore was not in a position to come to the decision as to whether there was any material for taking such action against the delinquent. The stand of the Management was that the delinquent did not take part in the enquiry. This stand taken by the Management was not properly established before the statutory authority. For these reasons, 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 (T&P)

/True Copy/

Sub Assistant Registrar

To

The Special Deputy Commissioner of Labour,
Chennai - 6.

+1cc to Spl.Government Pleader Sr.No.48571

PMU

VB/RP/SAR2/03.08.2018/2P/3C

ORDER MADE IN
W.P. (MD) .No.5231 of 2016 and
W.M.P. (MD) No.4688 of 2016
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