



WEB COPY

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 08.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.No.1531 of 2013 and M.P. No.1 of 2013

The Management,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai.

... Appellant/Petitioner

versus

1.The Joint Commissioner of Labour
(Conciliation), Chennai.

2.N.Babu

... Respondents /Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order passed by the Hon'ble Mr.Justice K.Chandru on 02.02.2012 in W.P. No.32681 of 2007.

Prayer in WP.No. 32681 of 2007 : To issue a Writ of Certiorari to call for the 1st Respondent in A.P.No. 243 of 2004 dated 01/02/2007 and quash the same.

For Appellant : Ms.S.Rajeni Ramadoss

For Respondents : Mr.T.Kishore for R2

R1-Court

JUDGMENT

(Judgment of this Court was delivered by T.RAJA,J.)

This writ appeal has been directed against the impugned order dated 02.02.2012 passed in W.P. No.32681 of 2007, confirming the order passed by the learned Joint Commissioner of Labour, Chennai, who has refused to accord approval for the dismissal of the second respondent for the following reasons:

'1.The enquiry into the charges against the Opposite Party was conducted without notice to him and is therefore violative of the principles of natural justice.

2.A prima facie case for dismissal based on legal evidence adduced before the domestic enquiry was not



3.The dismissal of the Opposite Party amounts to an unfair labour practice.'

2.Since the learned Single Judge has come to the conclusion that sufficient notice has not been issued to the workman for conducting enquiry, which is violating the principles of natural justice, we are also unable to find any infirmity in the impugned order. Accordingly, the appeal fails and the same is dismissed. Consequently, M.P. No.1 of 2013 stands closed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

vga

To

The Joint Commissioner of Labour
(Conciliation), Chennai.

+1cc to Mr.K.Premkumar, Advocate, S.R.No. 31855

W.A.No.1531 of 2013 and M.P. No.1 of 2013

SV I(CO)
GN(03/08/2021)