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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
30.07.2021	20.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No. 34787 of 2006
and
W.P.M.P.No.01 of 2006

Tamilnadu State Transport Corporation
(Villupuram) Ltd., rep. by its General Manager,
Vellore.

.... Petitioner

-Vs-

1. The Joint Commissioner of Labour,
(Conciliation) DMS compound,
Teynampet, Chennai -6.

2. K. Natarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records of the 1st Respondent in Approval Petition No.91 of 2003 dated 15.02.2005 and quash the same.

For Petitioner : Mr. C.S.K. Sathish

For Respondents: Mr.N.Desinghu (R2)

O R D E R

Petitioner/Transport Corporation has come up with this Writ Petition challenging the order dated 15.02.2005 passed by the 1st Respondent in Approval Petition No.91 of 2003.

2. Learned counsel for the Petitioner/Transport Corporation contended that the domestic enquiry was conducted in a fair and proper manner according to the Principles of Natural Justice and



further prima facie case has been made against the Second Respondent for dismissing him from service. He further submitted that the decision taken by the 1st Respondent/Authority is beyond his scope and it is not in consonance with the guidelines framed by the Hon'ble Apex Court in the decision rendered in the case of Lalla Ram vs. Management of D.C.M. Chemical Works Ltd. reported in AIR 1978 SC 1004.

3. Learned counsel for the Second Respondent contended that admittedly since there is a short-fall in payment of one month wages to the Second Respondent/Employee the First Respondent Authority has rightly come to the conclusion that the Petitioner has not paid one month wages to the Second Respondent at the time of dismissal and hence the order passed in the Approval Petition need not be interfered with.

4. Heard both sides. Perused the records.

5. It is seen that, the 2nd Respondent/Authority has rejected the Approval Petition filed by the Petitioner/Transport Corporation on the ground that, one month wages was not paid to the employee at the time of dismissal. For better appreciation, relevant portion of the order passed by the 1st Respondent/Authority in the Approval Petition, is extracted hereunder:

"It is an admitted fact that the Applicant had paid to the opposite party a sum of Rs.2548/- as his one month wages at the time it dismissed him from its services. Exhibit A 3 is the copy of the last pay certificate of the Opposite party. This indicates that the Opposite party was paid a sum of Rs.98/- per day as his wages. Based on this the Applicant had calculated the monthly wages of the Opposite party as $\text{Rs.98} \times 26 = \text{Rs.2548/-}$ It is an admitted fact that the Applicant is a public motor transport undertaking engaged in the transport of passengers by road. The Government of Tamil Nadu had fixed minimum wages for employed in Public Motor Transport. The Opposite party was dismissed .01.2003. On this day the minimum wages for a driver employed in public motor transport is Rs.3081.72/-. Therefore the Applicant ought to have paid to the Opposite party a sum of Rs.3081.72/- as his one month wages at the time it dismissed



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him from its service. But it is admitted that the Applicant had paid to the Opposite party only a sum of Rs.2548/- as his wages for one month at the time it dismissed him. Therefore I hold that the Applicant had not paid to the Opposite party his one month's wages at the time it dismissed him from its services."

6. In the order dated 15.02.2005 passed in the Approval Petition, the 1st Respondent/Authority has clearly dealt with the payment of wages to the Second Respondent/employee. It is clear from the discussion that, the Petitioner/Transport Corporation has not properly calculated the payment of one month wages to the employee. As there is shortfall in the payment of one month wages to the employee, the Authority has rightly rejected the Petitioner's Approval Petition. Further the Authority has clearly discussed the decision of the Hon'ble Apex Court in the case of Lalla Ram vs. Management of D.C.M. Chemical Works Ltd. reported in AIR 1978 SC 1004.

7. In view of the above, the order dated 15.02.2005 passed by the 1st Respondent/Authority in Approval Petition No.91 of 2003 is confirmed and the Writ Petition stands dismissed. No costs. Consequently, connected M.P.No.1 of 2006 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arr

To:

The Joint Commissioner of Labour,
(Conciliation) DMS compound,
Teynampet, Chennai -6.

+1cc to M/s.C.S.K.Sathish, Advocate, S.R.No.48173

Order made in
W.P.No.34787 of 2006

PMK(CO)
SU(08/10/2021)