



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.12896 of 2021

The Management,
Tamilnadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region,
Ponnerikarai,
Bangalore National Highway,
Kancheepuram - 631 552.

...Petitioner

vs.

1. K.Dhandapani

2. The Special Joint Commissioner of Labour,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the records relating to the order dated 23.07.2018 passed in A.P.No.49 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional and consequently direct the 2nd Respondent herein to approve the order of the Petitioner, dated 13.03.2015, dismissing the 1st Respondent herein from service.

For Petitioner : Mr.L.Ramanathan
for Mr.K.J.Sivakumar

For 1st Respondent : Mr.K.Vasanthanayagan

O R D E R

Petitioner/Transport Corporation has come up with this Writ Petition challenging the order dated 23.07.2018 passed by the 2nd Respondent/Authority in A.P.No.49 of 2015 and for a consequential direction to the 2nd Respondent/Authority to approve their order dated 13.03.2015, dismissing the 1st Respondent herein from service.

2. It is seen that, the 2nd Respondent/Authority has held that, the enquiry proceedings have not been furnished to the employee and that, one month full wages have not been paid to him.



3. Heard the learned counsel on either side and perused the material documents available on record.

4. Merely because, enquiry proceedings have not been furnished to the employee cannot be a ground to reject the Approval Petition of the Petitioner/Transport Corporation. Also, the reason stated by the Authority that, there is shortage of one month wages to the employee, cannot be accepted, as the employee was dismissed from service in March 2015 and that, the Government Order with regard to revision of wages was passed on 22.04.2015. The fact remains that, the last drawn wages have been paid to the employee and revision can be paid only subsequently. Hence, rejection of Approval Petition by the Authority on the score of non-payment of one month wages, is not acceptable. In view of the same, the order dated 23.07.2018 passed in A.P.No.49 of 2015 by the 2nd Respondent/Authority is set aside.

5. As a copy of the enquiry proceedings was served on the 1st Respondent/employee, in order to prove the charges, it is open to the Petitioner/Transport Corporation to establish the same before the Authority concerned and in that regard, the matter is remanded to the 2nd Respondent/Authority, who is expected to decide the issue and pass appropriate orders within a period of six months.

The Writ Petition is allowed to the extent indicated above. No costs. Consequently, connected W.M.P.No.13703 of 2021 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Special Joint Commissioner of Labour,
Chennai.

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.37087
+1cc to Mr.K.Vasanthanayagan, Advocate, S.R.No.37086

W.P.No.12896 of 2021

PMK(CO)
RGA(16/09/2021)