



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14300 of 2017

The Management,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its General Manager,
Trichy Region,
Trichirapalli -620 001.

... Petitioner

vs.

1. The Special Deputy Commissioner of Labour,
DMS Campus,
Anna Salai, Chennai.

2. T.Vishwanathan

... 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 pertaining to the order dated 01.11.2016 passed by the 1st Respondent in Approval Petition No.34 of 2013, and quash the same, consequently direct the 1st Respondent to approve the order of the Petitioner, dated 02.03.2013, dismissing the 2nd Respondent from service.

For Petitioner : Mr.D.Venkatachalam

For 2nd Respondent : No appearance

O R D E R

Petitioner - Transport Corporation has come up with this Writ Petition challenging the order dated 01.11.2016 passed by the 1st Respondent in Approval Petition No.34 of 2013 and for a consequential direction to the 1st Respondent to approve the order dated 02.03.2013 passed by them, dismissing the 2nd Respondent from service.

2. It is seen that, the 1st Respondent/Authority has



rejected the Approval Petition filed by the Petitioner/Transport Corporation on the ground that, the charges alleged against the 2nd Respondent/employee have not been properly established and that, there is victimization. That apart, it has been held that, there is shortfall in the payment of one month wages to the employee.

3. The factum of shortfall of one month wages has not been disputed. Hence, this Court is of the view that, the Authority has rightly observed that, there is no legal evidence to establish the charges, muchless substantial evidence to establish the charges, and that, there is shortfall in the payment of one month wages to the employee. Hence, this Court cannot interfere with the findings rendered by the Authority.

4. The Approval Petition filed by the Petitioner/Transport Corporation has been rejected, and the 2nd Respondent/employee is deemed to be in service. It is represented by the Petitioner/Transport Corporation that, the employee has got very bad past records numbering 31. Hence, this Court deprives the 2nd Respondent/employee, backwages alone from the date of his dismissal i.e. from 02.03.2013 till the date of this order. Once the charge has been held to be not proved, the question of looking into the past records does not arise.

In view of the foregoing, the Writ Petition stands dismissed. No costs. Consequently, connected W.M.P.No.15486 of 2017 is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Special Deputy Commissioner of Labour,
DMS Campus, Anna Salai, Chennai.

+1cc to M/s.D.Venkatachalam, Advocate, S.R.No.37126

W.P.No.14300 of 2017

RP (CO)
SU (22/09/2021)