



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.31140 OF 2018

The Management,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Division,
Ponnerikarai,
Chennai-Bangalore National Highroad,
Kancheepuram - 631 552.

... Petitioner

vs.

1. P.Velu

2. The Special Deputy Commissioner of Labour,
D.M.S. Compound,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records of the 2nd Respondent made in A.P.No.222 of 2014 dated 18.07.2017 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

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

For 1st Respondent : Mr.S.T.Varadarajulu

O R D E R

Petitioner/Transport Corporation has come up with this Writ Petition challenging the order dated 18.07.2017 passed by the 2nd Respondent/Authority in A.P.No.222 of 2014.

2. The 2nd Respondent/Authority has rejected the Petitioner's Approval Petition on the ground that, a copy of the domestic enquiry proceedings has not been furnished to the 1st Respondent/employee. The Apex Court in a decision rendered in John D' Souza vs. Karnataka State Road Transport Corporation reported in (2019) 18 SCC 47 has held that, if the domestic enquiry is not conducted in a fair and proper manner, it is the



१२.५ आमेव अरुं

8. The 2nd Respondent/Authority shall ascertain during the proceedings as to whether the wages are paid to the employee from the date of dismissal till the date of this order of this Court.



The Writ Petition is allowed with the above directions. No costs. Consequently, connected W.M.P.No.36335 of 2018 and W.M.P.No.21806 of 2020 are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Special Deputy Commissioner of Labour,
D.M.S. Compound, Chennai.

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.37632
+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.37150

W.P.No.31140 of 2018

KV(CO)
PM/21/09/2021