



WEB COPY



WP.No.13671 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.13671 of 2015

and

M.P.No.1 of 2015

The Management

Tamil Nadu State Transport Corporation Ltd.,

No.12, Ramakrishna Road,

Salem – 07.

Rep by its General Manager.

....

Petitioner

Vs

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

2. T.P.Selvaraj

....

Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorari calling for the records in proceeding pursuant to the order passed in Approval Petition A.P.No.199 of 2011 dated 11.07.2013 on the file of the 1st respondent and to quash the same.

For Petitioner : Mr.R.Babu

For R1 : Ms. Akila Rajendran
Government Advocate

For R2 : Mrs.S.Girija



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ORDER

This Writ Petition has been filed as against the order dated 11.07.2013 in A.P.No.199 of 2011 passed by the first respondent, thereby rejected the order of approval.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The second respondent was employed as a Conductor in the petitioner Corporation. When the second respondent was working at Namakkal (M) Branch, he was permitted to perform duty in Bus No.TN30-N-0289 on 24.03.2011, which was plying on the route Namakkal to Arappaleeswarar Koil. The bus was departed from Namakkal Bus Stand and proceeding towards Arappaleeswarar Koil, when the bus reaching Solakkadu, the bus was stopped by checking Officials of the Corporation and found that there was 37 passengers and 17 luggages were in the bus. All the passengers having valid tickets and for 12 luggages there were valid tickets issued by the second respondent and the remaining 5 luggages were in the bus for which there was no valid tickets issued by the second respondent.



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4. On enquiry, it was found that the second respondent had collected Rs.25 X 5 = Rs.125/- at Namakkal itself towards fare for luggages and as such, the second respondent has misappropriated to the tune of Rs.125/-. Therefore, the second respondent issued with charge memo dated 28.03.2011. Without being satisfied with the explanation submitted by the second respondent, the petitioner ordered for domestic enquiry. The domestic enquiry was conducted and the charges levelled as against the second respondent were proved. After issuance of the second show cause notice, the second respondent was dismissed from service on 05.07.2011. In order to prove the same, the petitioner preferred an approval petition before the first respondent. However, it was dismissed and aggrieved by the same, the present writ petition.

5. It is seen that before the domestic enquiry, the charges were not proved by the second respondent. That apart, sufficient opportunity was not given to the second respondent and as such, the first respondent rightly rejected the above approval petition. Hence, this Court finds no infirmity or illegality in the order dated 11.07.2013 passed in A.P.No.199 of 2011 by the first respondent and the writ petition is devoid of merits and it is liable to be dismissed.



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6. Accordingly, this Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index: Yes/No

Internet: Yes/No

To

The Special Deputy Commissioner of Labour,
DMS Compound, Anna Salai,
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G.K.ILANTHIRAIYAN,J.

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