



WP.No.34380 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.01.2023

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P. No.34380 of 2014
and W.M.P.No.30966 of 2022**

The Management
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region
Periyamilaguparai, Trichy – 1
Represented by its Managing Director ... Petitioner

Vs.

1.M.Vasudevan
Kunjampalayam
Keerambur Post, Namakkal District.

2.The Special Deputy Commissioner of Labour (Conciliation)
DMS Compound
Chennai. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records passed by the 2nd respondent in A.P.No.250/10 dated 23.04.2013 and to quash the same.

For Petitioner : Mr.Aswin
For Respondents : Mr.K.Malaikkannu for R1
Mr.A.M.Ayyathurai, G.A., for R2



WP.No.34380 of 2014

WEB COPY

ORDER

This writ petition is filed seeking to quash the order of the 2nd respondent-The Special Deputy Commissioner of Labour (Conciliation) in A.P.No.250/10 dated 23.04.2013.

2. The petitioner is the Tamil Nadu State Transport Corporation/Management. The 1st respondent was working as Conductor. On 15.04.2007, while he was in duty, it was found that there was some irregularity in issuance of the tickets. A charge memo dated 30.04.2007 was issued to the 1st respondent.

3. The Management, on considering the explanation dated 10.03.2010, concluded that the explanation was not found satisfactory and dismissed the workman on 21.12.2010.

4. The petitioner management filed an Approval Petition before the 2nd respondent-Joint Commissioner of Labour (Conciliation) under Section 33(2)(b) of the Industrial Disputes Act, 1947. The said application was filed

Page No.2/5



WP.No.34380 of 2014

as A.P.No.250/10.

WEB COPY

5. The 2nd respondent-Special Deputy Commissioner of Labour, on going through the pleadings and counter filed by both sides and on evidence let in before him, decided the issues that a proper domestic enquiry in accordance with the relevant rules/standing orders and principles of natural justice, has been held, however, a prima facie case for dismissal based on legal evidence adduced before the domestic enquiry is not made out. On such conclusion, the Authority rejected the approval petition.

6. The learned counsel for the petitioner except to state that the reasons assigned by the 2nd respondent Authority is per se illegal and against the canons of justice, could not make out any ground for interfering with the order passed by the Special Deputy Commissioner of Labour (Conciliation).

7. In the considered opinion of this court, the findings of the Authority-2nd respondent in rejecting the approval petition does not call for any interference. The Authority has categorically stated that in the domestic



WP.No.34380 of 2014

enquiry, the only person who can bring the truth before the enquiry officer should have been examined and it was not done in the case on hand. As such, the issues decided by the Authority, does not call for any interference, Finding no merits in this writ petition, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2023

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
Jer/nvsri

To
The Special Deputy Commissioner of Labour (Conciliation)
DMS Compound
Chennai.



WEB COPY



WP.No.34380 of 2014

J.NISHA BANU, J.,

Jer/nvsri

W.P. No.34380 of 2014

24.01.2023