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W.P.No.26306 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.26306 of 2015**

The Managing Director,  
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,  
Kumbakonam.

..Petitioner

Vs.

1.The Special Joint Commissioner of Labour,  
Teynampet, Chennai – 600 006.

2.S.Loganathan  
..Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorari, directing to call for the records of the order passed by the 1<sup>st</sup> respondent in Approval Petition in A.P.No.262 of 2011 dated 18.04.2013 and to quash the same as illegal.

For Petitioner : Mr.C.Senapathi

For 1<sup>st</sup> Respondent : Mrs.M.Jayanthi,  
Additional Government Pleader

For 2<sup>nd</sup> Respondent : Mr.A.P.Sathyamurthi





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4. The learned counsel for the petitioner further submitted that for the compensation claimed by the family of the victim, the Motor Accident Claims Tribunal had found that the 2<sup>nd</sup> respondent's negligence was the reason for the accident and thereby awarded a compensation, which was paid by the petitioner.

5. In the impugned order, the 1<sup>st</sup> respondent had dealt about the availability of evidence to make out a *prima faice* case against the 2<sup>nd</sup> respondent and had observed that during the domestic enquiry no eye witness has been examined. When the fundamental fact of negligence has not been substantiated by examining the eye witness, it is difficult for the petitioner to expect the 1<sup>st</sup> respondent Authority to accept the validity of the *prima facie* case.

6. During the domestic enquiry, on the side of the Department, a person who had inspected the place of occurrence alone was examined. Naturally the person who inspected the site could have gone to the site only after the accident and he cannot be a competent person to say about



W.P.No.26306 of 2015

the negligence alleged against the 2<sup>nd</sup> respondent.

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7. As the 1<sup>st</sup> respondent Authority has properly appreciated the materials placed before him and the materials are found to be not satisfactory to make out a *prima facie* case, the 1<sup>st</sup> respondent has rightly declined to grant approval for the order of dismissal of the 2<sup>nd</sup> respondent.

8. I do not find any merits in the matter, hence, this writ petition is **dismissed**. No costs.

**26.09.2024**

dsa

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

Speaking order/ Non-speaking order



*W.P.No.26306 of 2015*

To:-

WEB COM The Special Joint Commissioner of Labour,  
Teynampet, Chennai – 600 006.



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*W.P.No.26306 of 2015*

**R.N.MANJULA, J.**

dsa

**W.P.No.26306 of 2015**

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