



W.P.No.28012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.28012 of 2024 and
W.M.P.No.30566 of 2024

The Management of Tamil Nadu
Transport Corporation (Kovai) Limited,
Erode Region, No.47, Chennimalai Road,
Erode 638 001.

... Petitioner

Vs.

1.S.S.Sivaraman

2.The Special Deputy Commissioner
of Labour, DMS Compound,
Chennai 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the order in A.P.No.135 of 2019 dated 20.11.2021 passed by the 2nd respondent herein and to quash the same.

For Petitioner : Mr.P.Dineshkumar for
Mr.T.Chandrasekaran

For Respondents : Mrs.M.Jayanthi, AGP for R2



W.P.No.28012 of 2024

ORDER

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This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records relating to the order in A.P.No.135 of 2019 dated 20.11.2021 passed by the 2nd respondent herein and to quash the same.

2. Heard Mr.P.Dinesh Kumar, learned counsel for the petitioner and Mrs.M.Jayanthi, learned Additional Government Pleader for R2 and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the appropriate authority without examining the documents submitted on the side of the Management properly, have arrived at a conclusion that a *prima facie* case has not been made out and that the enquiry has been conducted in violation of the principles of natural justice.

4. On perusal of the impugned order, it is seen that the appropriate authority has taken up all the five guidelines laid now in the case of ***Lalla Ram Vs. D.C.M.Chemical Works Ltd., and Another, reported in***



W.P.No.28012 of 2024

(1978) 3 SCC 1 and dealt each point in an elaborate manner. So far as the question regarding compliance of principles of natural justice is concerned, it is observed by the appropriate authority that the Management had failed to file appropriate materials to show that notices have been sent to the first respondent.

5. Apart from the other requirements, one important requirement which was found to have not been satisfied is payment of one month last drawn wages. It is observed by the appropriate authority that a sum of Rs.15,345/- has been paid stating that it represents one month salary. But in reality, it is alleged by the first respondent that there is a shortfall of more than Rs.12,000/-. However, the appropriate authority has arrived at a conclusion that one month salary has been paid and complied with the condition.

6. The first respondent was enquired for the charges of unauthorised absence for more than 10 days. But the enquiry report and the documents have not been produced for the perusal of the appropriate



W.P.No.28012 of 2024

authority in order to arrive at a finding whether the enquiry has been conducted in a fair and proper manner. In fact the order has been passed in an *exparte* manner, even for that, the documents have not been submitted. Only by holding so, the approval has been rejected by the appropriate authority. Hence, I find no grounds to interfere with the order passed by the second respondent.

7. In view of the above observations, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

25.09.2024



W.P.No.28012 of 2024

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To

The Special Deputy Commissioner
of Labour, DMS Compound,
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W.P.No.28012 of 2024

R.N.MANJULA, J.

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W.P.No.28012 of 2024
and W.M.P.No.30566 of 2024

25.09.2024