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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

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

**W.P.No.14315 of 2022
and
W.MP.Nos.13542 of 2022 & 35122 of 2023**

The Management,
Metropolitan Transport Corporation (Chennai) Ltd ,
Pallavan Illam, Anna Salai,
Chennai 600 002.

...

Petitioner

versus

1. The Special Deputy Commissioner of Labour,
D.M.S. Complex, IVth Floor,
Teynampet, Chennai 600 006.

2.J.Muthukumaran

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the order passed in A.P.No.233 of 2020 dated 10.01.2022 on the file of 1st respondent, Chennai-6 and quash the same.

For Petitioner : Mr.C.Gowthamraj

For Respondents : Mrs.M.Jayanthi, AGP for R1
: Mr.S.T.Varadharajulu for R2



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ORDER

Heard Mr.C.Gowthamraj, learned Counsel for the petitioner and Mrs.M.Jayanthi, learned Additional Government Pleader for R1 and Mr.S.T.Varadharajulu, learned counsel for R2 and also perused the materials available on record.

2.Despite the management has filed the Writ Petition challenging the order of denying the approval for dismissal, now it appears that the petitioner management is willing to reinstate the 2nd respondent. Much reliance has been placed for the alleged letter said to have been given by the respondent to the management to reinstate him immediately, so that he could give up even his back wages. The letter appears to be dated 14.06.2024 and at least that could have been taken into consideration and the respondent could have been reinstated immediately. But so far it has not been done. The petitioner continues to say that the 2nd respondent can come and join at any time.

3. It is to be noted that the very order of denying the approval for dismissal itself would only presume that the 2nd respondent continues to be in service. So there is no question of giving up the legal entitlement for which the



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2nd respondent is entitled.

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4. So far as the denial of approval for dismissal is concerned the 1st respondent authority had observed that there is no *prima facie* materials and the evidence in order to sustain the charges against the 2nd respondent. It is further observed that the principles of natural justice were violated while conducting domestic enquiry when these two important aspects are found to be falling in short it is right for the appropriate authority to reject the approval for dismissal.

5. In view of the above stated reasons and also considering the fact that the petitioner is willing to reinstate the 2nd respondent , I feel nothing remains to consider except to confirm the order already passed in A.P.No.233 of 2020 dated 10.01.2022. Therefore, the Writ Petition stands **dismissed**. There shall be no order as to costs. consequently, the connected miscellaneous petitions are also closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

jrs



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jrs

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