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W.P.No.23367 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.23367 of 2022
and W.M.P.No.22320 of 2022

The Management
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Kancheepuram Region, Ponnerikarai,
Kancheepuram – 631 552. ... Petitioner

/vs/

M.Chitti Babu (Deceased)

1. C.Jyothi
2. C.Kiran
3. The Special Deputy Commissioner of Labour
D.M.S.Compound,
Chennai – 600 006. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records of the order passed by the third respondent, in Approval Petition made in A.P.No.185 of 2014 dated 10.03.2021 and quash the same as illegal.



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For Petitioner ... Ms.S.Pavithra

For Respondents ... Mr.R.Sankarasubbu
for R1 and R2

Mrs.M.Jayanthi
Additional Government Pleader
for R3

ORDER

Heard Ms.S.Pavithra, the learned counsel for the petitioner,
Mr.R.Sankarasubbu, the learned counsel for R1 and R2 and
Mrs.M.Jayanthi, the learned Additional Government Pleader for R3.

2. The petitioner-management has filed this Writ Petition challenging the order of rejection of approval of the dismissal proposal submitted by the petitioner before the appropriate authority dated 10.03.2021 in A.P.No.185 of 2014. During the pendency of the approval petition, the Workman-M.Chitti Babu died and his legal heirs have been arrayed as respondents in this writ petition.

3. The appropriate authority has chosen to reject the approval on the observation that no *prima facie* case is made out and that the enquiry



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conducted is not fair and proper.

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4. In view of the absence of approval granted to the proposal submitted by the petitioner for dismissal and also taking into account the death of the workman before the matter attained finality, I feel no useful purpose will be served in keeping the writ petition pending. Even if the petitioner claims that the cause of action still survives after the death of the Workman, the respondents 1 & 2, who are the legal heirs of the deceased Workman cannot be expected to defend the case by knowing all the technicalities of the employments and by having the knowledge about the events alleged by the petitioner.

5. It is to be noted that the first approval petition has already been dismissed on 28.02.2018 and that has been challenged by the Management by preferring a writ petition in W.P. No.20915 of 2019. In pursuance to the orders passed in WP No.20915 of 2019, dated 01.10.2020, the matter was remitted back to the appropriate authority and even by re-appreciating the matter, the appropriate authority has arrived at the same conclusion stating



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that the essential conditions for granting approval has not been complied with. In fact the workman died even during the pendency of the proceedings in the approval petition at the time when the order was passed after re-appreciation.

6. In view of the extraneous circumstances and also considering the fact that the workman himself is no more, I do not find any reason to find fault with the appreciation now made by the approval authority in rejecting the approval for dismissal.

7. Accordingly, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

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Index: Yes / No
Speaking order / Non-speaking order
bkn



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The Special Deputy Commissioner of Labour
D.M.S.Compound,
Chennai – 600 006.



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R.N.MANJULA ,J.

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