



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-02-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

And

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

WA No.3077 of 2021

And

CMP Nos.21826 of 2021 and 20312 of 2023

The Management,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukottai Region,
51/1, Pillai Thanner Panthal,
Thirumayam Road,
Pudukottai-622 001.

.. Appellant

-VS-

1.M.Sakravarthi Vinayaka Saravanan

2.The Special Joint Commissioner of Labour,
DMS Campus,
Anna Salai,
Chennai.

.. Respondents



WEB COPY

Writ Appeal is preferred under Clause 15 of Letters Patent against the order passed by this Court in WP No.14191 of 2021 dated 01.08.2021.

For Appellant	:	Mr.M.Muralivinodh
For Respondent-1	:	Ms.M.Preetha for Mr.S.Santhoshkumar
For Respondent-2	:	Ms.M.Jayanthi, Additional Government Pleader.

J U D G M E N T

[JUDGMENT OF THE COURT WAS DELIVERED

BY S.M.SUBRAMANIAM, J.]

The present writ appeal has been instituted against the order impugned dated 01.08.2021 passed by this Court in WP No.14191 of 2021.



WEB COPY

WA No. 3077 of 2



2. The first respondent-workman was dismissed from service based on the proved misconduct of misappropriation of funds of the appellant-Transport Corporation.

3. Admittedly, the first respondent-workman was dismissed from service after conducting domestic enquiry on 29.06.2019. Approval Petition No.107 of 2019 was filed by the Management. Since the Approval Petition was rejected, Writ Petition No.14191 of 2021 was instituted by the Management, challenging the order dated 05.03.2021 passed by the Special Joint Commissioner of Labour in Approval Petition No.107 of 2019.

4. The learned single Judge made a finding that the dismissal order was passed on 29.06.2019 and it reached the office of the authority on 05.07.2019. and therefore, there is a delay of six days in reaching the office of the authority. Though it is stated that dismissal order along with approval petition has been sent to the first respondent-workman on 29.06.2019 by post, there is no proof of despatch, as it was a Saturday.



5. Considering the fact that there was a delay of six days in filing the approval petition, the writ petition was dismissed. Thus the present writ appeal came to be instituted.

6. The learned counsel for the appellant-Transport Corporation submitted the original copy of the postal receipt, which would reveal that the approval petition was sent to the Deputy Commissioner of Labour on 30.06.2019 through Registered Post. The approval petition has been sent through Registered Post by the Management on 30.06.2019 and received on 05.07.2019. The said factum was not placed before the Writ Court at the time of final disposal. Therefore, the learned single Judge has taken note of the fact that it has reached the office of the authority on 05.07.2019. However, the original receipt produced before us would reveal that the petition was sent through Registered Post on 30.06.2019. Thus there was no delay in filing the approval petition before the Competent Authority.

7. In view of the facts and circumstances, the order impugned dated 01.08.2021 passed in WP No.14191 of 2021 is set aside.



8. Accordingly, the present writ appeal stands allowed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)

29-02-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The Management,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukottai Region,
51/1, Pillai Thanner Panthal,
Thirumayam Road,
Pudukottai-622 001.
- 2.The Special Joint Commissioner of Labour,
DMS Campus,
Anna Salai,
Chennai.



WEB COPY



WA No. 3077of 2

S.M.SUBRAMANIAM, J.
AND
K.RAJASEKAR, J.

Svn

WA 3077 of 2021

29-02-2024