



W.P.No.37899 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.37899 of 2024
and
W.M.P.No.40984 of 2024

The Management
Tamil Nadu State Transport
Corporation (Salem) Limited
Dharmapuri Division, Bharathipuram
Salem Main Road
Dharmapuri - 5.

...Petitioner

Vs

1. P.Krishnamoorthy
S/o.Periyathambi
2. The Special Joint Commissioner of Labour
DMS Campus
Anna Salai,
Chennai-600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 28.11.2022 passed by the second respondent in Approval Petition No.117 of 2020 and quash the same and consequently, direct the second respondent to approve the order of the



W.P.No.37899 of 2024

petitioner dated 17.08.2020 dismissing the first respondent from service.

For Petitioner : Mr.K.Raja

ORDER

The writ petition is filed challenging the orders passed on 28.11.2022 in Approval Petition No.117 of 2020.

2. The brief factual background in which the writ petition arises is that the workman P.Krishnamoorthy is a driver. A charge against him is that from 28.09.2015 onwards, he remained unauthorizedly absent. On the said charge, enquiry was conducted, workman remained *ex-parte* in the enquiry, he was dismissed from service and a petition for approval was filed, in view of the settlement between the Management and workman under section 12(3) of the Industrial Disputes Act, 1947 [ID Act]. The said petition, which is filed under section 33(2)(b) of ID Act was taken for consideration and the second respondent framed five questions as per judgment of Hon'ble Supreme Court in ***Lalla Ram Vs. DCM Chemical Works [AIR 1978 SC 1004]***.



W.P.No.37899 of 2024

WEB COPY

3. While considering the second question that whether there is any evidence at all to prove the charge, the workman appeared before the authority and submitted that on the said date, from which he is said to be unauthorized absence, he was allotted duty in the bus bearing TN 29 N 2538 from Bangalore to Tiruvannamalai and while so, early morning at about 3.00 a.m certain pumps were put on the road and in order to avoid the same, when he swerved, the bus capsized. He became unconscious and glass pieces went inside his body in the right shoulder area and though he was initially treated, the glass pieces were not removed and thereafter, his condition got worse and he was referred to higher treatment. The authority, considering all that, held that the charge is not proved and there is no appropriate evidence to prove that he was only unauthorizedly absent.

4. The writ petition is filed without even touching about the said finding. No comment or averment relating to the same is made in the affidavit filed in support of the writ petition. Therefore, the writ petition



W.P.No.37899 of 2024

WEB COPY

is absolutely without any merits and as such is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.12.2024

Neutral Citation : No

mk

To

The Special Joint Commissioner of Labour
DMS Campus
Anna Salai,
Chennai-600 006.



WEB COPY



W.P.No.37899 of 2024



WEB COPY



W.P.No.37899 of 2024

D.BHARATHA CHAKRAVARTHY.J.,

mk

W.P.No.37899 of 2024

21.12.2024