



W.P.No.3573 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.3573 of 2025
and W.M.P.No.4292 of 2025**

The Management,
Rep.by its General Manager,
Tamil Nadu State Transport Corporation (VPM) Limited,
Kancheepuram Region,
Ponnerikarai near Karapettai Post,
Chennai-Bangalore Highways,
Kancheepuram District-631 552.

... Petitioner

Vs.

1.The Special Joint Commission of Labour,
D.M.S.Campus, Chennai.

2.K.Kuppan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the order dated 13.03.2024 passed in A.P.No.195 of 2020 by the first respondent and quash the same.

For Petitioner : Mr.S.Pavithra



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For R1

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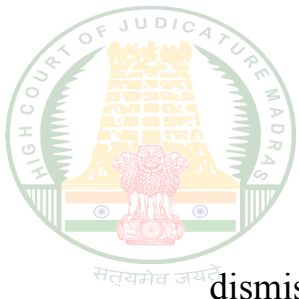
Mr.M.Bindva

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 13.03.2024 passed in A.P.No.195 of 2020 by the first respondent.

2. The learned counsel appearing for the petitioner Management submits that the second respondent joined as Conductor in the petitioner Management on 24.04.2010. He was unauthorizedly absent from 02.07.2019, for which, the concerned Branch Manager issued basic report to the General Manager on 14.06.2019 and the General Manager issued charge memo to the second respondent on 25.07.2019 and he submitted the explanation on 08.01.2020 stating that due to illness, he was unable to report to duty, however, since the explanation was not satisfactory, enquiry was contemplated to be conducted and he was served with notice informing about the enquiry and after conducting enquiry and providing opportunity to the second respondent, he was dismissed from service and the order of



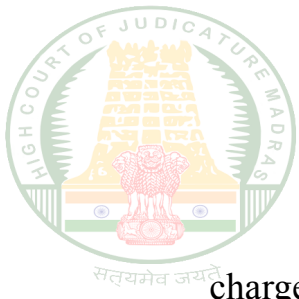
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dismissal was passed on 08.10.2020. Immediately, the approval petition was filed by the petitioner Management. However, the Labour Court arrived a conclusion that there was no *prima facie* case made out to order for termination by adducing evidence and the approval petition was not filed simultaneously, and dismissed the approval petition contrary to ***Lalla Ram Vs. D.C.M. Chemical Works Ltd. and Ors.***, reported in ***AIR 1978 SC 1004***. Hence, he prays for allowing this writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent. Since no adverse order is going to be passed against the second respondent, notice to the second respondent is dispensed with.

4. A perusal of the impugned award reveals that the second respondent was unauthorisedly absent from 02.07.2019, for which, enquiry was alleged to be conducted by issuing show cause notice. However, the basic report was filed on 14.06.2019 prior to the date of absence and the



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charge memo was issued on 25.07.2019 and the explanation to the charge memo was given on 08.01.2020 and the enquiry was conducted and he was dismissed from service on 08.10.2020. Further, for unauthorised absent, the order of termination is very excessive and there was a delay of 7 days in filing the approval petition. Therefore, applying the ratio laid down in ***Lalla Ram Vs. D.C.M. Chemical Works Ltd. and Ors.***, reported in ***AIR 1978 SC 1004***, the approval petition filed by the Petitioner Management was dismissed by the Labour Court, which does not suffer from any illegality or irregularity.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

04.02.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

The Special Joint Commission of Labour,
D.M.S.Campus, Chennai.



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M.DHANDAPANI, J.

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