



WEB COPY



W.P.No.3673 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3673 of 2025

And

W.M.P.No.4062 of 2025

The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukottai Region,
51/1, Pillai Thaneer Pandhal
Thirumayam Road,
Pudukottai – 622 001.

... Petitioner

Vs.

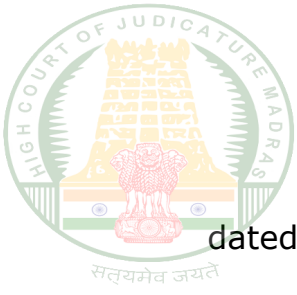
1.V.Suresh

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

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the order dated 29.04.2024 passed by the second respondent in Approval Petition No.98 of 2023 and quash the same, consequently direct the second respondent to approve the order of the petitioner



W.P.No.3673 of 2025

dated 05.06.2023 dismissing the first respondent from service.

WEB COPY

For Petitioner : Mr.M.Murali Vinodh
For Respondents : Ms.S.Anitha for R2
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, call for the records pertaining to the order dated 29.04.2024 passed by the second respondent in Approval Petition No.98 of 2023 and quash the same, consequently direct the second respondent to approve the order of the petitioner dated 05.06.2023 dismissing the first respondent from service.

2.The case of the petitioner is that the first respondent worked as Conductor in the petitioner Corporation. On 25.07.2022, while the first respondent is on duty in bus No.TN55N0668 which was operated in the route Pudukkottai to Kilangadu, the Checking Inspector of the Corporation checked the vehicle and found that he has issued ticket in blank ETM paper in hand written as ticket no.4951196 for Rs.36/- (18*2=36) to one group of two passengers who were travelled from Pudukkottai to Malaiyur. The same number of original ETM ticket no.4951196 also issued to another group of two passengers, thereby,



W.P.No.3673 of 2025

the first respondent mis-appropriated a sum of Rs.36/- of Corporation money. Further, the Checking Inspector found excess amount of Rs.308/- in his cash bag, thereby, the first respondent committed misconduct contemplated under Standing Order 24(39)(a) & 24(39)(b) of the Standing Orders of the petitioner Corporation.

3.The further case of the petitioner is that the petitioner Corporation issued charge memo dated 15.09.2022 to the first respondent and since he did not submit any explanation to the charge memo, domestic enquiry was conducted and after enquiry, since the first respondent was found guilty, an order of dismissal dated 05.06.2023 was sent to the first respondent. Thereafter, the petitioner Corporation filed a petition under Section 33 (2) (B) of the Industrial Disputes Act before the second respondent and the said approval petition was rejected by the second respondent. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that the petitioner Corporation conducted enquiry after following due process of law and in terms of the decision of the Hon'ble Apex Court reported in AIR 1978 © 1004 (Lalla Ram Vs. DCM chemical Works),



W.P.No.3673 of 2025

however, the second respondent rejected the approval petition on the ground that prima facie evidence is not available for issuing the order of dismissal and that the dismissal order was issued on 05.06.2023, whereas the approval petition was filed on 13.06.2023 and hence the approval petition was not filed within the stipulated time.

5. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the second respondent and perused the materials available on record. Since this Court is not inclined to pass any adverse order as against the first respondent, notice to the first respondent is dispensed with.

6. Perusal of the impugned order reveal that the second respondent after discussing all the factual aspects elaborately, has rejected the approval petition on the ground that enquiry was not conducted as per the decision of the Hon'ble Apex Court reported in AIR 1978 © 1004 (Lalla Ram Vs. DCM chemical Works) and on the ground that prima facie evidence is not available for issuing the order of dismissal and that the dismissal order was issued on 05.06.2023, whereas the approval petition was filed on 13.06.2023 and hence the approval petition was not filed within the stipulated time, which



W.P.No.3673 of 2025

warrants no interference.

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7.The writ petition is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

05.02.2025

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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W.P.No.3673 of 2025

M.DHANDAPANI,J.
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