



W.P.No.4431 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 05.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.4431 of 2023

and

WMP.No.4455 of 2023

The Management of Metropolitan
Transport Corporation (Chennai) Limited
Pallavan Illam,
Anna Salai,
Chennai-600002.

... Petitioner

Vs.

1.The Special Joint Commissioner of Labour
Authority under Industrial Disputes Act,
DMS Compound,
Teynampet,
Chennai 06

2.Thiru. A.Venkatesan

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 1st respondent pertaining to his proceedings in A.P.No.27 of 2020 dated 27.08.2022 and quash the same and consequently allow the approval petition filed by the



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petitioner management in A.P.No.27 of 2020.

[Prayed amended as per order dated 24.06.2025 in WMP.No.9024 of 2025 by PTAJ]

For Petitioner : M/s.A.Vinothraj

For Respondent : M/s.M.Murali, Govt. Advocate
for R.1.

: M/s.S.T.Varadarajulu for R.2

ORDER

The Transport Corporation has filed the above Writ Petition challenging the dismissal of their Approval Petition by the 1st respondent.

2. The facts are briefly set out herein below:-

3. The 2nd respondent was working as a Conductor in the petitioner Corporation and was attached to the Chemencherry Depot. From 04.06.2017, he was continuously absent from work without any intimation and prior permission. This unauthorised absence was a misconduct and since the unauthorised absence was violative of the



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standing orders and a misconduct, a domestic enquiry was ordered by the petitioner. The 2nd respondent had appeared and participated in the enquiry and finally the enquiry officer had submitted his findings dated 10.01.2019 holding that the charges have been proved against the 2nd respondent. Based on this report, a further notice dated 13.02.2019 along with a charge memo and report of the enquiry was sent to the 2nd respondent calling for his objections. The same was also affixed in the depot.

4. It is also the case of the petitioner that the 2nd respondent was already guilty of such misconduct and therefore after giving him a final notice dated 30.05.2019, it was decided to remove him from service and accordingly by order dated 01.06.2020, the 2nd respondent was removed from the rolls of the petitioner.

5. The petitioner has simultaneously filed an Approval Petition before the 1st respondent. The 1st respondent, however dismissed the said petition on the ground that the absence was not an unauthorised one as the 2nd respondent had informed the controller over the phone



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about his leave and the said controller had not been examined by the petitioner during the enquiry or before the authority. Challenging the same, the petitioner is before this Court.

6. Heard the learned counsel on either side.

7. The 2nd respondent in his defense has stated that he had informed the controller about his inability to come to work on 04.06.2017 on account of his not keeping good health. However, the controller to whom this information had been passed on over the phone was not examined by the petitioner and the 2nd respondent workman was not in a position to cross examine him during the domestic enquiry. Therefore, the 1st respondent had rightly come to the conclusion that the petitioner had not prima facie proved the misconduct of the 2nd respondent. That apart, the 1st respondent had also come to the conclusion that the 2nd respondent was not paid the entire last drawn salary along with the dismissal order. Therefore, since the petitioner has not been able to prove a prima facie case and the fact that the entire last drawn salary had not been paid to the 2nd



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respondent, the 1st respondent had rightly rejected the Approval
Petition and I see no reason to interfere with the same.

8. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, the connected Miscellaneous Petition is closed.

05.08.2025

Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No
(shr)

To

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Authority under Industrial Disputes Act,
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Teynampet,
Chennai 06

P.T. ASHA. J.,



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