



W.P.No.9165 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.07.2025**

CORAM

THE HONOURABLE MR.JUSTICE **P.DHANABAL**

**W.P.No.9165 of 2022**  
**and WMP.No.8929 of 2022**

The Management,  
Tamilnadu State Transport Corporation (VPM) Ltd.,  
Tiruvannamalai Mandalam,  
Tiruvannamalai. .... Petitioner

Vs

1.P.Eppan  
2.The Special Deputy Commissioner of Labour,  
Chennai. .... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, to call for the records from the 2<sup>nd</sup> respondent i.e., the Special Deputy Commissioner of Labour-Chennai and quash the Approval Petition order dated 16.03.2021 in A.P.No.18 of 2015.

For Petitioner : Mr.A.Aswin

For R1 :Mr.V.S.Jagadeesan  
For R2 : Mr.E.P.Senniyangiri  
Government Advocate



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## **ORDER**

**WEB COPY** This Writ Petition has been filed to quash the order passed by the 2<sup>nd</sup> respondent in A.P.No.18 of 2015 dated 16.03.2021, wherein the petitioner management has filed an approval petition for grant of approval against the dismissal order passed against the 1<sup>st</sup> respondent in disciplinary proceedings. The respondent declined to grant approval and dismissed the petition. Challenging the same, the present writ petition has been filed.

2. The shorts facts are necessary to dispose of this writ petition are as follows:

The 1<sup>st</sup> respondent was appointed as a temporary conductor in the year 2007. During the course of his employment on 01.10.2013, he was assigned duty on Route No.130/H in the bus bearing registration No.TN 25 N 0253. At that time, during an inspection, it was found that the 1<sup>st</sup> respondent had collected a sum of Rs.224/- from 4 passengers (3adult+1child) and failed to issue tickets to them, thereby misappropriating the management's funds. For the aforesaid misconduct, he was suspended on 03.10.2013 and a charge memo was issued to him. On 11.11.2013, the 1<sup>st</sup> respondent submitted his explanation and the same



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was not accepted. Subsequently, a disciplinary enquiry was conducted, and the disciplinary authority filed a report stating that the charges against the 1<sup>st</sup> respondent were proved. Thereafter, the Management awarded punishment of removal from service through order dated 30.01.2015. Thereafter, the petitioner management filed an application before the 2<sup>nd</sup> respondent under section 33(2)(b) of Industrial Dispute Act, seeking approval for the punishment of removal from service. The approval authority declined to grant approval, against which the present writ petition is filed.

3. The learned counsel for the petitioner would submit that the 1<sup>st</sup> respondent, while working as a conductor, committed misconduct by failing to issue tickets to the passengers for a sum of Rs.224/-, thereby misappropriated funds. A charge memo was issued to that effect on 10.10.2013. Prior to that, the 1<sup>st</sup> respondent was suspended from service on 03.10.2013. Subsequently, a disciplinary enquiry was conducted, and as per the findings of the enquiry officer, the charges were proved. Therefore, the management following the procedure, passed an order by removing the 1<sup>st</sup> respondent from service through order dated 30.01.2015.



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3.1. Thereafter, the petitioner management filed an approval petition before the 2<sup>nd</sup> respondent and also produced all the relevant documents. However, the approval authority, without considering the documents filed by the petitioner management, erroneously declined to grant approval, stating that there were no records to show that principles of natural justice had been followed during the proceedings and that no one month salary was paid to the workman. In fact, after affording opportunity to delinquent, domestic proceedings were conducted, and before the enquiry officer, management witnesses categorically stated about the delinquency committed by the delinquent. One month salary was also paid to him. Despite this, without appreciating the facts in an appropriate perspective, the approval authority declined to grant approval. Therefore, the order passed by the approval authority is liable to be quashed.

4. The learned counsel for the respondent would submit that the petitioner management issued a charge memo to the respondent, and the same was suitably explained. Despite this, a domestic enquiry was ordered, during which the 1<sup>st</sup> respondent was not given sufficient



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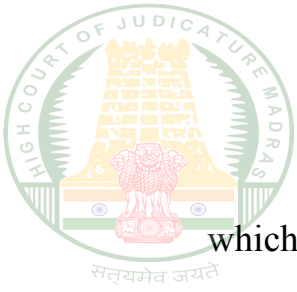
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opportunity. Without any prima facie material, the enquiry authority rendered findings that the charges against the 1<sup>st</sup> respondent were proved and the disciplinary authority also accepted these findings and awarded punishment of removal from service.

4.1. Therefore, the petitioner management filed an Approval Petition before the Approval authority/the 2<sup>nd</sup> respondent. The approval authority, after perusing the documents, correctly came to the conclusion that no prima facie case was made out based on the acceptable evidence, and no opportunity was given to the petitioner. Further, the petitioner failed to produce the enquiry proceedings before the approval authority, thereby approval authority correctly declined to grant approval. Therefore, the present writ petition is liable to be dismissed.

5. This Court heard both sides and perused the records.

6. In this case, there is no dispute in respect of the relationship between the parties as employer and workman. The charges levelled against the respondent is that he failed to issue tickets after receiving fare from the passengers to the tune of Rs.224/-. Subsequently, a charge memo was issued, and the delinquent also submitted his explanation,



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which was not accepted. On conducting a domestic enquiry, a punishment of removal from service was awarded and thereafter, an approval petition was filed before the 2<sup>nd</sup> respondent. The approval authority declined to grant approval on the grounds that no enquiry proceedings were produced, and therefore, the authority could not conclude whether the prima facie case was proved based on the acceptable evidence. Further, one month salary was not paid to the respondent.

7. In this context, the petitioner himself admitted that they paid a sum of Rs.14,400/- through a cheque dated 09.01.2015 and subsequently admitted that a deficit of Rs.584 was also paid later. It is also an admitted fact that no enquiry proceedings were produced before the authority despite several opportunities were given. Without perusing the enquiry proceedings, the approval authority cannot come to a conclusion about the prima facie case or whether an opportunity was given to the 1<sup>st</sup> respondent. Therefore the approval authority correctly declined to grant approval for the dismissal order passed by the management. Moreover, one month salary was not paid to the 1<sup>st</sup> respondent, and the same was also paid later through a cheque, and the subsequent payment of Rs.584



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was also paid to the respondent by the petitioner. It is well settled law that even if there is a single pice deficiency in the payment of one month salary, the entire proceedings are vitiated. Therefore, the approval authority correctly declined to grant approval and the approval authority passed a reasoned order and the same does not warrant interference.

8. In view of the aforesaid discussions, this Court is of the opinion that this writ petition has no merits and deserves to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**24.07.2025**

Index : Yes/No  
Neutral citation : Yes/No  
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**P.DHANABAL,J.**

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To

The Special Deputy Commissioner of Labour,  
Chennai.



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