



W.P.No.26290 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.26290 of 2015

and

M.P.No.1 of 2015

The Management,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam,
Represented by its General Manager. ... Petitioner

Vs.

1.K.Ravikumar

2.The Special Joint Commissioner of Labour (Conciliation),
DMS Compound,
Chennai. ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
pleased to issue a Writ of Certiorari, to call for the records passed by the
2nd respondent in A.P.No.213 of 2011 dated 19.04.2013 and to quash the
same.

For Petitioner : M/s.M.Rohini

For Respondents : Mr.R.Dilli Kumar [R1]
Mr.K.Surendran
Additional Government Pleader [R2]



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ORDER

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2. It is the case of the petitioner that the 1st respondent was working as a driver in the petitioner corporation. He had absented himself frequently in the years 2009 and 2010 ranging from 4 days to 30 days. As the 1st respondent was not regular in attending his duties, he was charge sheeted and after following the usual procedure of calling for explanation; appointing enquiry officer, receipt of report from the enquiry officer and thereafter second show cause notice, ultimately, the 1st respondent was dismissed from service. Seeking approval of his dismissal, the petitioner has filed an approval petition before the 2nd respondent. The 2nd respondent had rejected the approval petition on the ground that the petitioner has not proved that one month salary was paid to the 1st respondent as per Section 33(2)(b) of the I.D. Act. Challenging the said decision, the present writ petition has been filed before this Court.



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3. Learned counsel appearing for the petitioner submitted that as mandated u/s 33(2)(b) of the I.D. Act, the petitioner had diligently sent a demand draft for a sum of Rs.7,099/- on 06.07.2011 along with dismissal order and the 1st respondent had also received the same. Despite the said fact, the 2nd respondent-labour court had made an observation that the petitioner has failed to satisfy the conditions as stipulated u/s 33(2)(b) of the I.D. Act. Therefore, he prayed that this court may set aside the said order.

4. Learned counsel appearing for the 1st respondent submitted that the order of the 2nd respondent needs not interference and it is a well reasoned order. Accordingly, he prays for dismissal of this writ petition.

5. Heard the learned counsel appearing for the parties and also perused the materials available on record.

6. As rightly stated by the labour court though the petitioner has sent a demand draft for a sum of Rs.7,099/-, the petitioner has not stated anywhere that the 1st respondent was earning monthly salary of only Rs.7,099/-. The breakup for the said amount of Rs.7,099/- is consolidated



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amount or it contains basic salary plus dearness allowance and other benefits is also not stated. Therefore, the order passed by the labour court is sustained.

7. It is brought to the notice of this court that the 1st respondent was only working as a temporary employee and not on regular scale. Therefore, interest of justice would be sub-served by directing the petitioner to employ the services of the 1st respondent as and when vacancy arises as reserved conductor or a daily wage employee.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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(1/3)

Index : Yes / No
Speaking order / Non-speaking order
NCC:Yes/No
sp



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To
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- 1.The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.
- 2.The Special Joint Commissioner of Labour (Conciliation),
DMS Compound,
Chennai.



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M.DHANDAPANI, J.

sp

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