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W.P.Nos.6747 and 6748 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.6747 and 6748 of 2019
And
W.M.P.Nos.7554 and 7555 of 2019**

The Management
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Salai,
Chennai – 600 002.

... Petitioner in both the W.Ps.

Vs.

1.The Special Deputy Commissioner of Labour,
D.M.S.Complex, IV Floor,
Teynampet, Anna Salai,
Chennai – 600 006.

... Respondent in both the W.Ps.

2.G.Vinayagam

... Respondent in W.P.6747/2019

2.V.K.Eswaran

... Respondent in W.P.6748/2019

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the order passed in A.P.No.128 of 2014 dated 25.07.2018 and A.P.No.278 of 2013 dated 16.07.2018 respectively, on the files of the first respondent and quash the same.



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For Petitioner : Mr.R.Balaji
in both the W.Ps.

For Respondents : Mr.K.Surendran for R1
Additional Government Pleader
R2 – No Appearance
in W.P.No.6747 of 2019

Mr.K.Surendran for R1
Additional Government Pleader
R2 – Died (Steps due)
in W.P.No.6748 of 2019

COMMON ORDER

The writ petitions have been filed seeking issuance of Writ of Certiorari calling for the records pertaining to the order passed in A.P.No.128 of 2014 dated 25.07.2018 and A.P.No.278 of 2013 dated 16.07.2018 respectively, on the files of the first respondent and quash the same.

2.Since the issue involved in these writ petitions are similar in nature, they are heard together and disposed of by way of a common order.

3.The facts of the case in brief is that the respective second respondent were appointed as Conductor at Avadi Depot and Driver at



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Central Depot respectively and they absented to duty from 21.01.2013 and 28.05.2012 respectively and in this regard complaints were received from the concerned depots and based upon the complaints, charge memo was issued to the respective second respondent and after enquiry, they were terminated from service on 21.05.2014 and 05.09.2013 respectively and the petitioner Management filed approval petition under Section 33(2)(b) of the Industrial Disputes Act and the said approval petitions were rejected by the first respondent. Challenging the same, the writ petitions have been filed.

4.The learned counsel appearing for the petitioner submitted that the first respondent rejected the approval petitions on the ground that enquiry proceedings was not submitted; whether one month salary was paid or not is not clear and subsequently approval petition filed or not and there is no information regarding the same in Form 'T', however, along with Form 'T' all the relevant documents were annexed including the enquiry proceedings, however, the first respondent rejected the approval petitions, which is not sustainable one.

5.Inorder to ascertain whether the procedure contemplated under Section 33(2)(b) of the Industrial Disputes Act and the



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guidelines issued in in the decision of the Hon'ble Apex Court reported in AIR 1978 © 1004 (Lalla Ram Vs. DCM chemical Works) were followed or not, this Court perused the entire records.

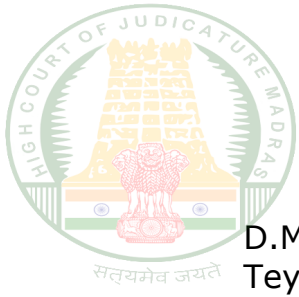
6.Perusal of the entire records reveal that exparte enquiry was conducted against the respective second respondent and such proceedings were marked as Ex.P5 and perusal of Form 'T' application reveals that there is no proof available for payment of one month salary and no proof or acknowledgement is available with regard to the receipt of one month salary by the employee. Hence, the petitioner did not establish the payment of one month salary to the respective second respondent before the first respondent and before this Court and hence the impugned orders warrants no interference.

7.The writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.04.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No
To
1.The Special Deputy Commissioner of Labour,

4/5



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M.DHANDAPANI,J.
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