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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.12384 of 2022
and WMP.No.11842 of 2022

The Management,
Tamilnadu State Transport
Corporation (VPM) Ltd.,
Kancheepuram Region,
Ponnerikarai, Bangalore High Ways,
Kancheepuram – 631 552.

... Petitioner

Vs

1.The Special Joint Commissioner of Labour,
DMS Compound
Chennai.

2.S.Mohanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the impugned order dated 15.04.2021 passed in A.P.No.3 of 2018 passed by the 1st respondent – Special Joint Commissioner of Labour, Chennai and quash the same.

For Petitioner : M/s. S.Pavithra, Senior Counsel
For Respondents : M/s.L.S.M. Hasan Fizal, AGP for R1
: M/s.H.Nandhini for R2



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ORDER

This petition has been filed by the petitioner/managment to quash the order passed in A.P.No.3 of 2018 dated 15.04.2021 passed by the first respondent/ Special Joint Commissioner of Labour, Chennai.

2. The short facts necessary to dispose of this Writ petition are as follows:-

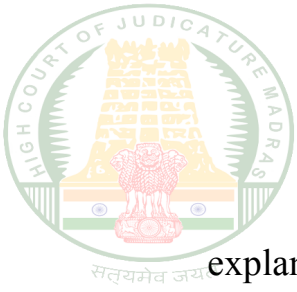
The second respondent was joined as a conductor in the petitioner corporation on 06.06.2000. On 05.02.2015, while he was on duty on a bus bearing Registration No.TN 21/N-1355, travelling from Chennai to Ponneri, a woman boarded at the Chengundram bus stop and was about to get down at Chozhavaram. The second respondent, obtained Rs.7 from the passenger, but he did not give a ticket to her. When the checking inspector checked the bag of the second respondent, he found a shortage of Rs.219 in his bag and also found that the second respondent had not issued a ticket to the passenger for Rs.7. Therefore, a charge memo dated 11.05.2015 was issued to the second respondent and he submitted his explanation on 19.06.2015. Being not satisfied with the explanation, a domestic enquiry was conducted, and the enquiry officer rendered findings that the charges



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against the delinquent were proved. Thereafter, the petitioner/management called for further representation from the second respondent, after furnishing copies of the enquiry report. The second respondent also offered his explanation and the same was not accepted by the disciplinary authority. Therefore, the disciplinary authority passed the order of removal of the second respondent from service. Subsequently, the management filed an application before the first respondent for approval in A.P.No.3 of 2018 under Section 33(2)(b) of I.D. Act. The first respondent declined to grant approval on the grounds that no prima facie case was made out based on acceptable evidence, that one month's salary had not been paid immediately, and that the approval petition had not been filed simultaneously along with the dismissal order of the second respondent. Now, aggrieved by the said order, the petitioner / management has filed the present writ petition.

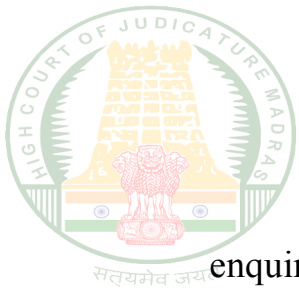
3. The learned counsel appearing for the petitioner would submit that the second respondent, who was working as a conductor on the bus bearing Registration No.TN 21/N-1355 Route No.56 B/F from Chennai to Ponneri, on 05.02.2015, did not issue a ticket to the passenger after obtaining Rs.7 and also there was a shortage of Rs.219 in the cash bag of the second respondent, thereby a charge memo was issued. He also submitted his



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explanation and the same was not accepted and a domestic enquiry was conducted. In the domestic enquiry, the second respondent had participated, and thereafter, the enquiry officer rendered findings that the charges against the delinquent were proved. Thereafter, the disciplinary authority after accepting the enquiry report, issued a show cause notice. The second respondent issued reply and the same was not accepted and thereafter, the disciplinary authority considering the gravity of the offence passed the final order by removing the second respondent from service. Thereafter, the petitioner/management filed an approval petition before the first respondent, which was dismissed erroneously. Merely because there was a delay in filing the approval petition and in the payment of one month's salary, the approval authority denied to grant permission. Therefore, the order passed by the first respondent is erroneous and the same is liable to be quashed.

4. The learned counsel appearing for the second respondent would submit that the petitioner / management corporation issued a charge memo with false allegations, and the same was explained by the second respondent. Without accepting the explanation, a domestic enquiry was conducted without following the principles of natural justice, and the



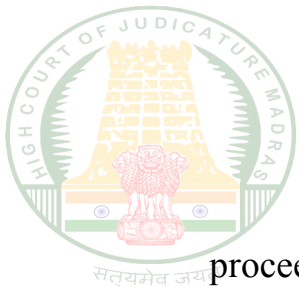
enquiry officer erroneously rendered findings as if the charges were proved.

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In fact, there is no prima facie case based on the acceptable evidence and the approval petition was not filed simultaneously along with the dismissal order and no one month's salary was given immediately after the dismissal order passed by the disciplinary authority. Therefore, the approval authority correctly declined to grant permission. Therefore, the approval authority passed a reasoned order and the present writ petition is liable to be dismissed.

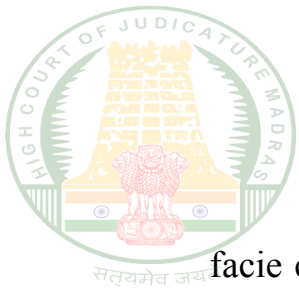
5. This Court heard both sides and perused the materials available on record.

6. This petition is filed by the petitioner / management challenging the order of the approval authority, by declining to grant approval for the dismissal order passed by the department against the second respondent. According to the petitioner, the charges levelled against the second respondent were proved, and sufficient opportunity was offered to the second respondent during the disciplinary enquiry proceedings. The approval authority also confirmed the following of the principles of natural justice and the opportunity given to the delinquent during the enquiry



proceedings. However, it dismissed the petition on the grounds of delay in filing the approval petition.

7. According to the second respondent, no prima facie case is made out based on the acceptable evidence, and in the domestic enquiry, the management failed to examine the competent witnesses, who are essential to prove the delinquency. One month's salary was also not given immediately after the dismissal order passed by the disciplinary authority, and there is a delay in filing the approval petition. The disciplinary authority passed the order by removing the second respondent from service on 06.03.2017, and the approval petition was filed belatedly on 23.10.2018. Therefore, the approval authority declined to grant permission based on the guidelines issued in Judgment of the Hon'ble Supreme Court in **Lalla Ram Vs DCM Chemical Works case** reported in **AIR 1978(C) 1004**. The approval authority passed the detailed order by holding that sufficient opportunity was given to the delinquent in the domestic proceedings, that there was no violation of the principles of natural justice and that there was no victimization. However, no prima facie case was made out based on the acceptable evidence and the so- called passenger was not examined as a witness, and the branch manager was also not examined. Thereby, no prima



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facie case is made out through acceptable evidence and one month's salary was paid belatedly and there is a delay in filing the approval petition, and it was not filed immediately after the dismissal order passed by the disciplinary authority. Therefore, the above said reasons stated by the 1st respondent is within the guidelines issued by the Hon'ble Supreme Court in **Lalla Ram Vs DCM Chemical Works case** (cited Supra). Therefore, there is no illegality or perversity in the order passed by the Approval authority and it does not warrant any interference.

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

24.06.2025

drl

To

1. The Special Joint Commissioner of Labour,
DMS Compound
Chennai.



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P.DHANABAL, J.,

drl

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