



WEB COPY



W.P.No.15391 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :25.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.15391 of 2023
and W.M.P.No.14936 of 2024

The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Villupuram – 605 602.

... Petitioner

VS-

1. M. Anbumani
2. The Special Joint Commissioner of Labour,
D.M.S Compound, Chennai – 6.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of order passed by the 2nd Respondent, in Approval Petition made in A.P. No. 90 of 2022 dated 27.02.2023 and quash the same as illegal.

For Petitioner : Ms. S. Pavithra

For Respondent – 1 : Mr. A. Mohamed Ismail

For Respondent – 2 : Mr. M. Murali
Government Advocate

ORDER



W.P.No.15391 of 2023

Challenging the rejection of their approval petition in A.P.No.90 of 2022 by the 2nd respondent, the Transport-Corporation has filed the above writ petition.

2. The facts are briefly set out herein below:

(i) The 1st respondent was appointed as a temporary driver in the petitioner-Corporation on 01.09.2005. He was made permanent on 01.06.2006. On 06.09.2021, while he was on duty as a driver proceeding from Thirukovilur to Bangalore at around 11.30 am, the bus had taken a right turn due to bridge work and dashed against the two-wheeler, in which one V.Kaliammal, the pillion rider had fallen down and got caught under the rear right wheel of the bus and died on the spot. The petitioner had immediately initiated disciplinary proceedings against the 1st respondent by issuing a Charge Memo dated 22.09.2021. After receiving the explanation of the 1st respondent and finding it unsatisfactory, the petitioner-Corporation had initiated a domestic enquiry. The Enquiry Officer, by his findings dated 13.12.2021, held that the charges against the 1st respondent were proved. The petitioner had issued a Show Cause Notice dated 15.02.2002 to the 1st respondent calling upon him to give his explanation as to why the disciplinary



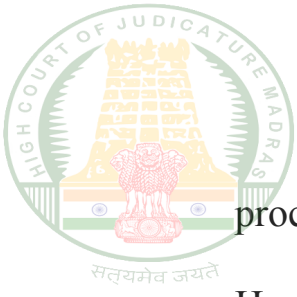
W.P.No.15391 of 2023

action should not been taken against him. Since the explanation was not satisfactory, the petitioner-management had concluded that the charges were proved and taking into account the gravity of the charge had dismissed him from service by order dated 13.04.2022. The petitioner was paid a sum of Rs.25,613/- as one month's wages.

(ii) Thereafter, the petitioner-Management had filed an Approval Petition in A.P.No.90 of 2022 on the file of the Special Joint Commissioner of Labour, Chennai, the 2nd respondent herein. The 2nd proceeded to dismiss the Approval Petition, against which the present revision has been filed.

3. Heard the learned counsels on both sides and perused the materials available on record.

4. The approval petition had been dismissed on the ground that the petitioner has not *prima-facie* proved their case. In the enquiry



W.P.No.15391 of 2025

proceedings, one Sivaraman, the Branch Manager had been examined.

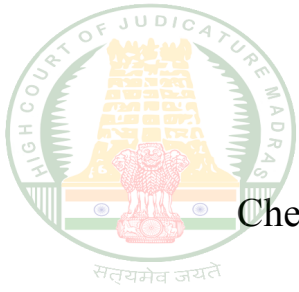
He was neither an eyewitness nor the complainant. He has simply narrated the incident and has not given any evidence to establish that the accident had occurred on account of the 1st respondent's negligence which gives rise to the cause of action for initiating action against the 1st respondent. The petitioner-Management has not sought to examine the conductor, a passenger or even the rider of the scooter which had been hit by the petitioner's bus driven by the 1st respondent herein. Therefore, in the absence of *prima-facie* proof that the accident was on account of the 1st respondent's rash and negligent driving, the 2nd respondent has rightly rejected the approval petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.06.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

The Special Joint Commissioner of Labour,
D.M.S Compound,



Chennai – 6.

WEB COPY



W.P.No.15391 of 2025



WEB COPY



W.P.No.15391 of 2023

P.T.ASHA, J.,

srn

W.P.No.15391 of 2023

and

W.M.P.No.14936 of 2024

25.06.2025