



W.P.No.14562 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

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THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.14562 of 2021 and W.M.P.No.15448 of 2021

The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Kumbakonam Region,
NO.27, Railway Station New Road,
Kumbakonam – 620 001.

... Petitioner

Vs.

1.M.Kalaiarasan

2.The Special Joint Commissioner of Labour,
D.M.S. Campus, Anna Salai,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the orders dated 31.03.2021 in A.P.No.302/2011 passed by the second respondent and quash the same, consequently direct the second respondent to approve the order of the petitioner dated 19.08.2011 dismissing the first respondent from service.

For Petitioner : Mr.C.Senapathi

For R1 : Mr.K.V.Muthuvisakan, Legal Aid Counsel

For R2 : Mrs.M.Jayanthi, AGP

ORDER

Challenge in this writ petition is made to the orders passed by the
Special Joint Commissioner of Labour, Chennai in A.P.No.302/2011 dated

31.03.2021.

1/7



W.P.No.14562 of 2021

2. The petitioner will be referred as “petitioner-corporation” and the first respondent as “workman”.

3. The facts of the case in a nutshell are as follows :

The workman was working as a Driver in the petitioner/Corporation. On 02.03.2010, it was alleged that the workman while driving the bus bearing Regn.No.TN-49-N-1932 at 4.15 p.m., on route from Nannilam to Nagapattinam, was in a drunken state and indulged in wordy altercation with the passengers of the bus. The workman was subjected to alcohol test and the same was held to be proved. A charge memo was issued to the workman on 12.03.2010, for the alleged misconduct of driving in drunken state and for bringing disrepute to the petitioner/Corporation, under Sections 24[11], 24[14], 24[40] and 24[41] of the Standing Orders of the petitioner/Corporation. The workman submitted his reply. However, as the reply was found to be unsatisfactory, the petitioner-corporation decided to conduct domestic enquiry. In the domestic enquiry, the charges were held proved by the Enquiry Officer. Therefore, a second show cause notice was issued to the workman on 26.02.2011, and thereafter, the workman was dismissed from service on 19.08.2011. On 23.08.2011, an approval petition was filed before the 2nd respondent. The 2nd respondent, vide order dated 2/7



W.P.No.14562 of 2021

14.09.2017, dismissed the approval petition filed by the petitioner/Corporation. The petitioner/Corporation challenged the same before this Court in WP.No.23114/2018 and this Court, vide order dated 01.10.2020, allowed the writ petition by remanding the matter to the 2nd respondent for fresh consideration. The 2nd respondent thereafter considered the matter afresh and passed the impugned order on 31.03.2021, dismissing the approval petition. Aggrieved by the dismissal order, the petitioner-corporation has filed the present writ petition.

4. Heard both sides and perused the materials placed on records.

5. The learned counsel appearing for the petitioner submitted that the impugned order of the second respondent was illegal and without proper appreciation of the materials on record. The learned counsel further submitted that the second respondent erred in substituting its own view over that of the enquiry officer, overlooking that he was only required to examine whether a *prima facie* case was made out. The learned counsel further submitted that the impugned order deserved to be dismissed since it was perverse.



6. *Per contra* the learned counsel appearing for the second respondent, submitted that there was no infirmity or perversity in the impugned order and therefore, it did not warrant any interference by this Court.

7. The Labour Court following the judgment of the Hon'ble Apex Court in ***Lalla Ram Vs DCM Chemical Works Limited*** reported in ***1978(3)SCC 1*** framed the following issues :

- i. Whether a proper domestic enquiry in accordance with the relevant rules / standing orders and principle of natural justice has been held?
- ii. Whether a *prima facie* case has been established in the domestic enquiry based on the legally acceptable evidence ?
- iii. Whether the employer had come to a bonafide conclusion that the employee was guilty and the dismissal did not amount to unfair labour practice ?
- iv. Whether the employer had paid or offered to pay wages for one month to the employee ?
- v. Whether the employer has simultaneously or within such reasonably short time as to form part of the same transaction applied to the authority before which the main industrial dispute is pending for approval of the action taken by him ?



W.P.No.14562 of 2021

8. Upon consideration of the issues framed, the Labour Court found issues No.4 and 5 in favour of the petitioner-Corporation and issues No.1 to 3 against the petitioner-Corporation. The Labour Court, on issue No.1, held that the domestic enquiry stood vitiated as it was conducted in violation of principles of natural justice. The Labour Court further found that the enquiry was completed without affording an opportunity to the workman to examine the witness on his side, thereby depriving him of reasonable opportunity to defend himself. The Labour Court also found from the materials available on record, that the proceedings had been initiated solely on the statement of one M.Chidambara Kumar, Branch Manager, Nagapattinam Branch, who was not the competent person to speak about the alleged wordy altercation, as he was not the eyewitness to the same.

9. Except for the oral testimony of the said witness, the Labour Court noted that no documentary evidence had been produced by the petitioner-Corporation to substantiate the charge of wordy altercation. The failure of the petitioner-Corporation to examine the independent witnesses, namely, the passengers and the conductor of the bus, who were the competent persons to speak on the aspect of the wordy altercation, was held to have materially affected its case. The Labour Court further

5/7



W.P.No.14562 of 2021

noted that the petitioner/Corporation failed to produce additional evidence to sustain its dismissal order, even after remand by this Court. From the materials on record, this Court finds no irregularity or infirmity in the conclusions of the Labour Court. The finding of the Labour Court that a prima facie case against the workman was not established, and that no material was produced to substantiate the allegation of wordy altercation, is reasonable and supported by the record.

9. In view of the above discussions, this Court finds no merit in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

25.11.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
dsn/AP

To
The Special Joint Commissioner of Labour,
D.M.S. Campus, Anna Salai,
Chennai.



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W.P.No.14562 of 2021

N.MALA, J.

dsn/AP

W.P.No.14562 of 2021

25.11.2025