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W.P.No.14565 of 2021
and W.M.P.No.15452 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.14565 of 2021
and W.M.P.No.15452 of 2021

The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Trichy Region,
Trichy – 620 001.

... Petitioner

Vs.

1.B.Gnanasekaran

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 26.03.2021 in A.P.No.536/2012 passed by the second respondent and quash the same, consequently direct the second respondent to approve the order of the petitioner dated 04.12.2012 dismissing the first respondent from service.

For Petitioner : Mr.M.Murali Vinoth

For R1 : Mr.K.V.Muthuvisakan

Legal Aid Counsel

For R2 : Mrs.M.Jayanthi

Additional Government Pleader



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ORDER

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Challenge in this writ petition is made to the orders passed by the Special Joint Commissioner of Labour, Chennai in A.P.No.536/2012 dated 26.03.2021.

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 joined as a Conductor in the petitioner-corporation. In the course of employment, the workman went on unauthorized leave from 24.06.2011 to 26.08.2011, without intimation to the petitioner-corporation. Therefore, the petitioner-corporation issued a charge memo on 06.09.2011, to the workman. The workman did not submit his explanation to the charge memo, however, the petitioner-corporation decided to conduct domestic enquiry and appointed an enquiry officer to conduct the enquiry. Pursuant to the notice dated 27.03.2012 of the enquiry officer, the workman participated in the enquiry proceedings on 07.04.2012. On 19.04.2012, the enquiry officer submitted his enquiry report finding the workman guilty of the charges levelled against him. On 11.05.2012, the petitioner-corporation sought for the workman's



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explanation to the enquiry report. But no explanation was sent by the workman. On 16.06.2012, the petitioner-corporation issued the second show cause notice to the workman on the proposed punishment of dismissal from service. Since the workman did not reply to the second show cause notice, the petitioner-corporation dismissed him from service on 04.12.2012. Thereafter, the petitioner-corporation filed the approval petition under Section 33(2)(b) of the Industrial Disputes Act, before the second respondent. On 26.03.2021, the second respondent dismissed 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.



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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*** reporte din ***1978(3)SCC*** 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 ?



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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. It further found that the enquiry was completed in a single day, thereby depriving the workman 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 R.Thilagavathi, the Helper, who was not the competent person speak to the allegation of unauthorized absence.

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 unauthorized absence from 24.06.2011 to 28.06.2011. The Labour Court observed that the workman had specifically pleaded that he had informed the Traffic Assistant regarding leave. The failure of the petitioner-Corporation to examine the Traffic Assistant, who was the competent official to speak on the aspect of permission or intimation, was held to have materially



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prejudiced its case. 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 unauthorized absence for the relevant period, is reasonable and supported by the record.

10. 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.

30.10.2025

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

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



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N.MALA, J.

mtl / AP

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