

W.P.No.16760 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.07.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.16760 of 2023 &
WMP.No.16035 of 2023

The Management of
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Kancheepuram Region
Chennai-Bangalore Highway
Kavarapettai Post
Near Ponnerikarai
Kancheepuram-631 552.

... Petitioner

Vs.

1.Thiru S.Kumaravel

2. Special Joint Commissioner of Labour
Teynampet, Chennai-600 006.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari to call for the records relating to the order dated 24.02.2023 made in A.P.No.24 of 2021 passed by the 2nd respondent herein and quash the same.



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For Petitioner : M/s.T.Chandrasekaran
For Respondent : M/s.S.Ravichandran for R.1
: M/s.M.Murali, Govt. Advocate for R.2

ORDER

The above Writ Petition is filed by the petitioner management challenging the rejection order passed by the 2nd respondent in Approval Petition No.24 of 2021 dated 24.02.2023.

2. Brief facts are as follows:-

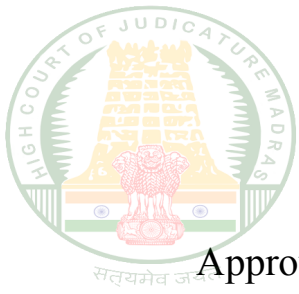
3. The 1st respondent had joined the services of the petitioner management as a Daily Paid Driver on 27.08.2012. On 15.12.2016, a charge memo was issued to the 1st respondent for his continuous unauthorised absence from duty. On 09.07.2019, the 1st respondent had submitted his explanation to the above charge memo which was not found satisfactory and the petitioner management had ordered a domestic enquiry. The domestic enquiry was conducted by following the principles of natural justice. The 1st respondent had also participated in the enquiry proceedings.



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WEB COPY 4. On 27.07.2019, the enquiry officer after considering the evidence available on record had found the 1st respondent guilty of the charges framed against him. Thereafter, on 12.08.2019, the enquiry report has been sent to the 1st respondent through RPAD to his residential address and the same was received by him. However, no explanation against the said enquiry report has been submitted by the 1st respondent to the petitioner corporation.

5. On 29.11.2019, the 1st respondent had participated in a counselling, however, he did not report for duty thereafter. On 03.07.2020 in order to give a final opportunity to the 1st respondent the petitioner management had given an advertisement in "Dina Malar" daily asking him to join duty or to submit an explanation. Since there was no response from the 1st respondent, the petitioner management had dismissed the 1st respondent from service vide order dated 30.12.2020. After the dismissal order, the petitioner corporation had sent the last drawn salary through RPAD under IOB Draft No.722168 dated 28.12.2020. On the very same day of dismissal the



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Approval Petition under Section 33(2)(b) of the Industrial Dispute Act

has been filed before the 2nd respondent.

6. The 2nd respondent, after considering the arguments and perusing the records had observed that the domestic enquiry was conducted in accordance with the principles of natural justice. The enquiry officer's findings were based solely on the evidence and records, and the charges were proved on that basis. The 2nd respondent had further observed that the dismissal order issued against the employee was neither an unfair labour practice nor an act of victimisation. However, the 2nd respondent had ultimately, dismissed the Approval Petition only on the ground that the last drawn salary of the 1st respondent was not a sum of Rs.13,636/-. Challenging the same, the petitioner management is before this Court.

7. Heard the learned counsel on either side and perused the records.

8. The only ground on which the 2nd respondent had dismissed the Approval Petitioner is that the last drawn salary of the 1st



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respondent was not a sum of Rs.13,636/-. Therefore, in order to verify the same, this Court on 01.07.2025 had directed the learned counsel for the petitioner to produce the last drawn salary certificate of the 1st respondent. Today, the certificate has been produced and a perusal of the same would clearly indicate that the last drawn salary of the 1st respondent was Rs.13,636/-. Therefore, the only ground on which the Approval Petition has been dismissed by the 2nd respondent no longer exists.

9. In view of the above, the Writ Petition is allowed and the order passed by the 2nd respondent in AP.No.24 of 2021 dated 24.02.2023 is quashed. No costs. Consequently, the connected Miscellaneous Petition is closed.

09.07.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1. The Special Joint Commissioner of Labour
Teynampet, Chennai-600 006.

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P.T. ASHA. J.,

(shr)

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