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W.P.No.1 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1 of 2022

And

W.M.P.Nos.2 and 3 of 2022

The General Manager
State Express Transport Corporation Tamil Nadu Limited,
Pallavan Salai,
Chennai – 600 002. ... Petitioner

Vs.

1.The Special Joint Commissioner of Labour,
Teynampet, Chennai.

2.A.Kumar ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the entire records relating to the order passed in the impugned order passed by the first respondent in A.P.No.576 of 2011 dated 10.05.2016 and to quash the same.

For Petitioner : Mr.K.Kathiresan
For Respondents : Mr.K.Surendran for R1
Additional Government Pleader
Mr.S.T.Varadharajulu for R2

O R D E R



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The petitioner has filed this writ petition seeking issuance of Writ

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of Certiorari, to call for the entire records relating to the order passed by the first respondent in A.P.No.576 of 2011 dated 10.05.2016 and to quash the same.

2.The case of the petitioner is that the second respondent was working as Driver in the petitioner Corporation and he was unauthorisedly absent for duty from 31.07.2010 and hence he was issued with charge memo dated 13.08.2010 and after enquiry, the second respondent was dismissed from service vide order dated 15.12.2011 and the petitioner filed approval petition before the first respondent under Section 33 (2) (b) of the Industrial Disputes Act and the said approval petition was rejected by the first respondent. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner Corporation conducted enquiry after following due process of law and in terms of the decision of the Hon'ble Apex Court reported in AIR 1978 © 1004 (Lalla Ram Vs. DCM chemical Works), however, the first respondent rejected the approval petition, which is



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not sustainable one.

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4. Heard the arguments advanced on either side and perused the materials available on record.

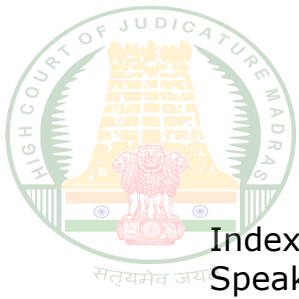
5. Perusal of the impugned order reveal that the petitioner has only marked enquiry findings before the first respondent and has not marked the enquiry proceedings before the first respondent so as to enable the first respondent to find out as to whether fair opportunity was given to the first respondent and to arrive at a conclusion as to whether the enquiry was conducted in terms of the decision of the Hon'ble Apex Court reported in AIR 1978 © 1004 (Lalla Ram Vs. DCM chemical Works) or not. Further, payment of one month salary to the second respondent was also not established before the first respondent. Hence, the first respondent rightly rejected the approval petition and the same warrants no interference.

6. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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M.DHANDAPANI,J.
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To

1.The Special Joint Commissioner of Labour,
Teynampet,
Chennai.

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