



W.P.No.26610 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.26610 of 2021

and

W.M.P.No.28060 of 2021

The Tamil Nadu State Transport Corporation
(Villupuram) Limited
Rep. by its General Manager
Mr.S.Natarajan.

... Petitioner

Vs.

N.R.Saravanan (Deceased)
Rep. by its Legal heirs,

1.S.Selvi

2.S.Vignesh

3.S.Nandhini

4.Muniyammal

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

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorari calling for the records of the 5th



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respondent made in A.P.No.2 of 2018 dated 15.04.2021 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

For Petitioner : M/s.Pavithra for M/s.M.Aswin

For Respondents :
(for R1 to R4) : M/s.Porkodi

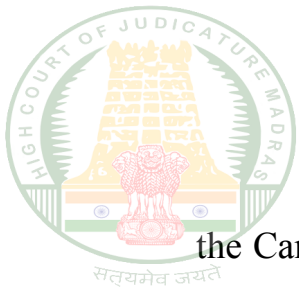
(for R5) : M/s.M.Murali, Govt. Advocate

ORDER

Challenging the order of the 5th respondent dated 15.04.2021 in and by which the 5th respondent had dismissed the Approval Petition filed by them in AP.No.2/2018, the Transport Corporation is the petitioner before this Court.

2. The short facts are hereinbelow set out:-

3. The respondents 1 to 4 are the legal representatives of N.R.Saravanan who was employed as a Driver in the petitioner Corporation. The said N.R.Saravanan while working as a Driver had borrowed a sum of Rs.16,00,000/- on 06.07.2013 from one S.P.Thirumalai Kumar and T.V.Madhavan and in order to repay the same the workman had issued a cheque to the above said persons dated 06.07.2013 drawn on



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the Canara Bank, Thirupatur Branch. When this cheque was presented for collection it was returned with the endorsement “insufficient funds.”

Therefore, the said T.V.Madhavan had filed a complaint under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate No.I, Thirupatur in STC No.701 of 2013. By order dated 31.07.2015, the said N.R.Saravanan was convicted and sentenced to undergo 1 year simple imprisonment and to pay a compensation of Rs.16,00,000/- to the said T.V.Madhavan. In default of the above judgement, he had to undergo further imprisonment for a period of 6 months.

4. The petitioner would submit that they had received a notice dated 27.06.2016 from the counsel of T.V.Madhavan directing them to take departmental action against Saravanan. On the basis of this notice, a charge memo dated 05.10.2016 was issued by the petitioner to Saravanan. To this, the said Saravanan had submitted his explanation which was not satisfactory. Thereafter, a domestic enquiry was ordered and the domestic enquiry had taken place following the principles of natural justice. Meanwhile, Saravanan had preferred an appeal against the order passed in STC No.701 of 2013 before the Additional Sessions Court No.III, Thirupatur in Criminal Appeal No.21 of 2015 which was dismissed against



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which he had preferred CrI.RC.No.944 of 2014 and had obtained an ad interim stay of all further proceedings on 07.02.2017 in CMP.No.7403 of 2016.

5. The Enquiry Officer had found the said Saravanan guilty of all charges and submitted an enquiry report dated 11.04.2017. After receiving the enquiry report dated 11.04.2017, the petitioner corporation issued a second show cause notice to Saravanan on 21.04.2017, seeking his explanation. However, the explanation submitted by him on 03.05.2017 was found unsatisfactory, and as a result, the petitioner management had dismissed Saravanan from his services on 17.07.2017.

6. On 31.02.2018, Saravanan had filed a complaint before the Deputy Commissioner of Labour, Chennai and consequently as per the provisions of Section 33(2)(b) of the ID Act the petitioner corporation had issued a modified removal order dated 12.07.2018 by enclosing a cheque for Rs.35,395/- being the last drawn wage along with Form T application.

7. Thereafter, the petitioner corporation had filed an Approval Petition in AP.No.2 of 2018 before the 5th respondent seeking approval for the dismissal of N.R.Saravanan. Pending the approval petition, the said



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Saravanan had passed away and his legal heirs were impleaded as parties in A.P.No.2 of 2018.

8. The Special Joint Commissioner of Labour, Chennai (5th respondent) after hearing both sides and perusing the material available on records dismissed the Approval Petition on the following grounds:-

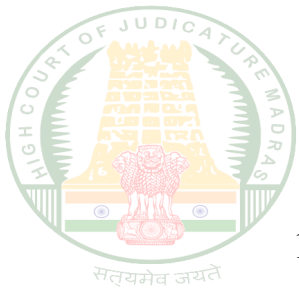
(i). No prima facie case for dismissal has been made out by the management based on legally admissible evidence.

(ii). Last month's wage was not paid simultaneously with the dismissal order.

(iii). The Approval Petition was not filed simultaneously with the dismissal order.

Challenging the same, the petitioner is before this Court.

9. The learned counsel for the petitioner would submit that the petitioner corporation has followed the dicta laid in **Lalla Ram's** case and the 5th respondent has totally overlooked the above and dismissed the Approval Petition on totally irrelevant grounds. Therefore, they would pray that the Writ Petition be allowed and the approval be granted for the dismissal order.



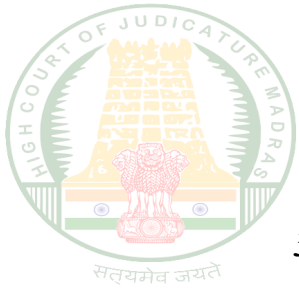
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10. Per contra, M/s.Porkudi, learned counsel for the respondent would submit that the 5th respondent had considered the evidence in detail and arguments placed before it and rightly dismissed the Approval Petition.

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

12. A perusal of the order passed by the 5th respondent would clearly indicate that the respondent workman was dismissed from service as early as on 17.07.2017, however, the last month's wage was paid only on 12.07.2018 nearly a year later. Therefore, the last month's wage was not paid simultaneously with the dismissal order, as required under the provisions of the ID Act. That apart, the Approval Petition was filed only on 12.07.2018, nearly a year after the dismissal order ie. on 17.07.2017. Therefore, the Approval Petition was also not filed simultaneously with the dismissal order in accordance with the mandatory requirements of the ID Act. Further, In the judgement cited by the learned counsel for the respondent in ***Special Leave to Appeal (C) No.7817/2022***, the Hon'ble Supreme Court has held as follows-

"This too was a case of an application under Section



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32(2)(b) of the Industrial Disputes Act, 1947 being filed

belatedly and not simultaneously with the dismissal order.

The Lalla Ram vs. D.C. M. Chemical Works Limited and

Another reported in (1978) 3 SCC 1, was another cited case

where this Court has held that the application for approval,

under Section 33(2)(b) of the Industrial Disputes Act, 1947

must be filed simultaneously with the dismissal order."

13. In the light of the above, the order passed by the 5th respondent in AP.No.2 of 2018 does not require re-consideration and accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

15.07.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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



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P.T. ASHA. J.,

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