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W.P. No.24767 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P. No.24767 of 2025
and WMP.No.27910 of 2025

The Management
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited
Nagapattinam Region
140, Public Office Road
Velipalayam
Nagapattinam – 611 001.

... Petitioner

Vs.

1.T.Sasi

2.The Special Joint Commissioner of Labour
DMS Campus, Anna Salai, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ in the nature of Certiorarified Mandamus, calling for the records pertaining to the order dated 13.08.2024 passed by the second respondent in Approval Petition No.32 of 2023 and quash the same, consequently direct the second respondent to approve the order of the petitioner dated 20.03.2023 dismissing the first respondent from service.



W.P. No.24767 of 2022

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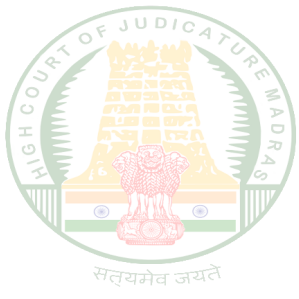
For Petitioner : Ms.Pavithra
For Respondents : Mrs.M.Jayanthy
Additional Government Pleader for R2

ORDER

Challenging the order of the second respondent dated 21.08.2024, dismissing the approval petition in A.P.No.32 of 2023, the petitioner-Corporation is before this Court.

2. The facts that led to the filing of the writ petition are as follows:

- a) The first respondent was appointed as Conductor in the the petitioner-Corporation. In the year 2022, he remained absent for duty for 266 days without submitting his leave letter. As per the Standing Orders, unauthorised leave is a serious misconduct and therefore, the petitioner-Corporation issued charged memos to the first respondent-workman on 15.11.2022, 13.12.2022 and 06.01.2023.
- b) The Management thereafter decided to conduct domestic enquiry against the workman, and an Enquiry Officer was appointed. The workman appeared for the enquiry held on 06.01.2023. The



WEB COPY



W.P. No.24767 of 2022

workman did not chose to cross-examine the Management witnesses and the enquiry procedures were completed. The Enquiry Officer submitted his report to the Management on 20.03.2023, holding that the first respondent was found guilty of the charges. A copy of the enquiry report was forwarded to the first respondent, though the same was received by him, he did not choose to submit his reply.

c) Thereafter, based on the reply of the workman, enquiry officer's findings and considering the workman's previous records, the petitioner-Management issued a show cause notice on 06.02.2023 with a proposed punishment of dismissal, to which, the workman did not submit his reply. The show cause notice was published in a Tamil daily 'Malai Malar' on 24.02.2023. Since no reply / explanation was submitted by the first respondent, the petitioner-Management was constrained to pass an order of dismissal on 20.03.2023. This was communicated to the first respondent-workman enclosing a cheque for a sum of Rs.25,155/- towards payment of one month salary.

d) The petitioner Management filed a petition under Section 33(2)(b)



WEB COPY



W.P. No.24767 of 2023

of the Industrial Disputes Act, before the Special Joint Commissioner of Labour, the second respondent herein, seeking approval for the dismissal order. This was taken on file in A.P.No.32 of 2023. Notice in approval petition was served on the respondent-workman and he had also filed his counter.

- e) After hearing both sides, the second respondent passed an order on 13.08.2024, declining to grant approval to the order of dismissal and accordingly, A.P.No.32 of 2023 was dismissed. The learned Judge had held that the domestic enquiry was not conducted in a proper manner and the charges against the workman are not proved with *prima facie* evidence, which is an unfair labour practice adopted by the Management.

Aggrieved by the order of the second respondent in approval petition, the petitioner-Management is before this Court.

3. The learned counsel appearing for the petitioner-Management would submit that the second respondent ought to have approved the decision taken by the petitioner-Management that the unauthorised absence of the first respondent is a serious misconduct which had caused major



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operational problems in the petitioner-establishment. But without considering the same, the second respondent had stretched the case on sympathetic consideration and rejected the approval petition. That apart, the second respondent had failed to note that despite sufficient opportunity was given to the first respondent, he failed to produce the medical proof for his absence. Therefore the reason and the basis for dismissing the approval petition is faulty and perverse, and hence, the same has to be set aside.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the second respondent. There is no representation on behalf of the first respondent-workman.

4. The fact that the principles of natural justice has been flouted by the petitioner-Management is amply evident from the fact that the domestic enquiry has been held and concluded within a day. Therefore, the respondent workman has not been given adequate opportunity to put forward his case by examining the witnesses on his side. The fact that these factors could not be presented by the petitioner-Corporation is because of the lightening speed with which the domestic enquiry has been conducted



W.P. No.24767 of 2023

WEB COPY

by them, and it clearly shows that the principles of natural justice has been flouted. The second respondent had also held that the petitioner has not proved a *prima facie* case. Further, exercising jurisdiction under Article 226, this Court does not intend to re-appreciate the evidence.

6. Therefore, I see no reasons to interfere with the order of the Special Joint Commissioner of Labour dated 13.08.2024 in A.P.No.32 of 2023. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2025
(1/2)

Index : Yes/No
Neutral Citation : Yes / No
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To :

The Special Joint Commissioner of Labour
DMS Campus, Anna Salai, Chennai.



WEB COPY



W.P. No.24767 of 2025

P.T. ASHA, J.

ds

W.P. No.24767 of 2025

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