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W.P.No.23490 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.23490 of 2023
and WMP.No.23006 of 2023

The Management
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Cuddalore Region
Cuddalore - 607 001. ... Petitioner

Vs.

1.M.Ambayiram CR 4889
S/o.Muthusami
Pothira Mangalam
Thittakudi Taluk
Thittakudi - 606 106.

2.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 to issue a Writ of Certiorari calling for the records of the order passed by the second respondent in Approval Petition made in A.P.No.139 of 2019 dated 15.09.2022 and quash the same as illegal.



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For Petitioner : Ms.S.Pavithra
For Respondents : Mr.K.C.Karl Marx for R1
Mr.M.Murali
Government Advocate for R2

ORDER

The Transport Corporation has challenged the dismissal of their Approval Petition in A.P.No.139 of 2019 by the second respondent herein

2. The writ petition has been filed stating the following :

- a) The first respondent was appointed as conductor in the petitioner-Corporation on 21.09.2008 as a daily wager and was made permanent on 21.06.2010.
- b) On 05.06.2019, the first respondent-workman was assigned duty in route No.T39A. At 1450 hours when the bus had reached Thiruchinnapuram, the ticket examiner had entered the bus and during inspection he had learnt that the first respondent had received a sum of Rs.16/- from two passengers, but failed to issue tickets of the value of Rs.8/- each to the said passengers. That apart, the cash found in his bag was less than the actual collection.



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- c) Thereafter taking note of the previous history, the petitioner-Management had decided to take action against the first respondent, as the present incident was a grave misconduct. The disciplinary proceedings were initiated against the first respondent by the petitioner by issuing a charge memo dated 11.06.2019.
- d) The enquiry officer who had conducted the enquiry on 12.08.2019, after adhering to the principles of natural justice, had submitted his findings on 16.08.2019, holding that the charges against the first respondent are proved.
- e) Based on the report of the enquiry officer, the petitioner had issued a show cause notice dated 23.08.2019 to the first respondent, enclosing the enquiry report, calling upon him to explain why the disciplinary action should not be taken against him. Since the explanation offered was not found satisfactory, the petitioner-Management had concluded that the charges were proved and passed the final order of dismissal on 15.10.2019.
- f) The petitioner had also paid the first respondent-workman his one month salary through a cheque bearing No.663498 dated 15.10.2019 for Rs.21,248/-.



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g) Since the wage dispute was pending, the petitioner-Management had filed an Approval Petition in A.P.No.139/2019 before the Commissioner of Labour, Chennai. The learned Joint Commissioner of Labour, the second respondent herein had rejected the said petition on the ground that the enquiry held was not fair and proper.

Challenging the said dismissal, the petitioner-Management is before this Court.

3. Heard the learned counsel on both sides.

4. Ms.S.Pavithra, the learned counsel appearing for the petitioner-Management would submit that the findings of the Joint Commissioner of Labour that the disciplinary enquiry has not been conducted in a proper manner, is absolutely incorrect as the first respondent-workman had participated in the enquiry, given his deposition and had chosen not to cross-examine or adduce further evidence. She would draw the attention of the Court to the enquiry proceedings dated 12.08.2019. In the said proceedings, it was recorded that the first respondent had orally agreed, that



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on the date of alleged incident, he had failed to issue the tickets to two passengers but when the same was required in writing, he denied to give it in writing. She would also submit that the principles of natural justice has been clearly observed during the enquiry by the petitioner-Corporation. The learned counsel would submit that the principles set out in the judgment of the Hon'ble Supreme Court in *Lalla Ram Vs. DCM Chemical Works* reported in [AIR 1978 SC 1004], has been strictly complied with.

5. On the contrary, K.C.Karl Marx learned counsel appearing for the first respondent would submit that the authority below has given the reasoning as to why the Approval Petition cannot be accepted. The authority has observed that the enquiry was not held in a fair and proper manner and no *prima facie* case has been made against the first respondent.

6. The contention of the learned counsel for the petitioner-Management that the principles of natural justice has been strictly followed, cannot be countenanced for the simple reason that from the enquiry proceedings, it is very clear that the first respondent-workman had not been afforded an opportunity to cross-examine the Management witnesses nor



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permitted him to lend his evidence. That apart, to prove the case of misappropriation of ticket monies, the petitioner-Management has not chosen to examine the ticket examiner who has discovered the shortage of cash balance and the fact that the tickets had not been issued despite the amounts being collected. The Enquiry Officer solely relied on the statements recorded, but they are not backed by the oral evidence of those persons. Therefore, I see no reason to interfere with the detailed order passed by the Special Joint Commissioner of Labour, Chennai, in A.P.No.139 of 2019.

7. The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.06.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:
The Special Joint Commissioner of Labour
D.M.S. Compound, Chennai.



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P.T. ASHA, J.

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