



W.P.No.25522 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.25522 of 2019
and
W.M.P.No.25050 of 2019

The Management,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Villupuram - 605 602.

... Petitioner

Vs

1. V.Dhandapani
2. Special Joint Commissioner of Labour,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records relating to the order dated 28.11.2018 passed by the second respondent in A.P.No.257 of 2014 and to quash the same.

For Petitioner : Mr.M.Aswin

For R1 : Mr.V.Ajoy Khose

For R2 : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The writ petition is filed challenging the order 28.11.2018 passed by the the second respondent in A.P.No.257 of 2014.



W.P.No.25522 of 2019

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2. By the said order, the second respondent refused to grant approval to the punishment of dismissal from service imposed on the respondent workman on 19.09.2014.

3. The case of the petitioner is that the petitioner was employed as a driver with effect from 27.10.2012 and from 03.12.2012, he was unauthorisedly absent until 25.06.2013 and as such, a charge memorandum was issued. After conduct of enquiry proceedings, the order of punishment was passed on 19.09.2014.

4. When the above application was filed to grant approval, the second respondent refused to approve the same on the ground that the enquiry proceedings were not exhibited before the second respondent. Therefore, it was held that it could not be concluded that proper enquiry was held before imposing the punishment and accordingly, approval was refused. The said order itself was passed on 28.11.2018. It is stated that even before the order could be passed, the employee had attained the age of superannuation with effect from 31.03.2017.



W.P.No.25522 of 2019

5. Heard the learned counsel appearing for the petitioner. The learned counsel appearing for the petitioner submitted that when other evidence was produced before the authority, the authority ought not to have insisted upon the enquiry proceedings. From all the exhibits that were marked, it can be seen that the proceedings relating to the enquiry were duly produced before the second respondent. As a matter of fact, the application was also filed within a period of six days and therefore, there is no delay and thus the second respondent erred in refusing the approval and therefore, this Court should interfere in the matter.

6. Per contra, the learned counsel appearing for the first respondent-workman would submit that it was the duty of the petitioner - management to demonstrate as to how the enquiry was conducted in accordance with law with due opportunity of hearing. In this case, when the workman was absent from 03.12.2012 and when it is the case of the Workman that he was not well and the same was informed and also prayed for voluntary retirement or to grant him lighter duty which was refused in the earlier round and ultimately he was granted fresh employment as per the order in I.D.No.49 of 2010, the second round of charge memo was vindictively given. In fact, even for the period in which the workman was worked, his salary was not granted. When the



W.P.No.25522 of 2019

workman was appearing before the Management even in the enquiry proceedings, without placing him under suspension or without paying any subsistence allowance or without even paying the salary for the period in which he was worked in a vindictive manner, the enquiry proceeded and the order was passed. Therefore, the second respondent was right in concluding that the enquiry was not conducted in fair manner, after giving due opportunity.

7. I have considered the rival submissions made on either side and perused the material records of the case.

8. It can be seen that the workman was given fresh appointment with effect from 27.10.2012 and he has attained the age of superannuation on 31.03.2017. In that background, considering the fact that even though the Workman was unauthorisedly absent, when he reported back and was participating in the proceedings without even paying the salary for the period in which he has put in service and neither placing him under suspension nor permitting him to join duty, the enquiry has proceeded with. It can be concluded that no proper opportunity has been granted to the Workman and therefore, the ultimate decision of the second respondent that the enquiry was not done in fair and proper manner after giving due opportunity to the



W.P.No.25522 of 2019

Workman cannot be said to be a perverse finding or an implausible view.

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9. In view thereof, finding no merits, the writ petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

10.12.2025

Neutral Citation: Yes/No
nsl

To
The Presiding Officer,
II Additional Labour Court,
Chennai.



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W.P.No.25522 of 2019

D.BHARATHA CHAKRAVARTHY, J.

ns1

W.P.No. 25522 of 2019

10.12.2025