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W.P.No.30245 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30245 of 2019

And

W.M.P.No.30220 of 2019

The Management,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram – 631 552. ... Petitioner

Vs.

1.V.Ebinesan

2.The Special Deputy Commissioner of Labour,
D.M.S.Compound,
Chennai – 600 006. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the second respondent made in A.P.No.116/2014 dated 26.03.2018 and quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

For Petitioner : Mr.M.Aswin

For Respondents : Mr.S.Ravi for R1
Mr.K.Surendran for R2
Additional Government Pleader



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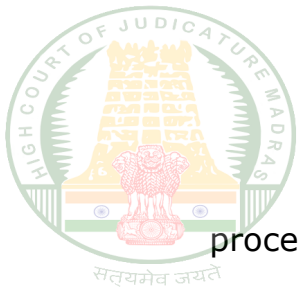
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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records of the second respondent made in A.P.No.116/2014 dated 26.03.2018 and quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

2.The learned counsel appearing for the petitioner submitted that the first respondent was appointed as driver in the petitioner Corporation and he was unauthorisedly absent from 21.04.2013 to 20.12.2013 and thereafter he joined duty on 21.12.2013 and again he was unauthorisedly absent from 07.03.2014 and hence he was issued with charge memo dated 29.05.2013 and after enquiry, he was dismissed from service vide order dated 29.04.2014 and the petitioner filed approval petition before the second respondent under Section 33(2)(b) of the Industrial Disputes Act and the said approval petition was rejected by the second respondent.

3.The learned counsel appearing for the petitioner further submitted that the first respondent was employed as a driver which is an essential service and taking leave without prior intimation is contrary to the standing order of the Corporation, thereby disciplinary



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proceeding was initiated against the first respondent, which ended in dismissal from service. The learned counsel further submitted that enquiry proceedings were furnished before the second respondent, however, the second respondent without perusing the same, arrived at a conclusion that enquiry was not conducted in a proper manner which is violation of principles of natural justice and rejected the approval petition, which is not sustainable one.

4.The learned counsel appearing for the first respondent submitted that due to ill health, the first respondent could not attend duty from 07.03.2014. The learned counsel further submitted that enquiry was not conducted in a proper manner and no enquiry officer was appointed. The learned counsel further submitted that for unauthorized absence, the punishment of dismissal from service is highly disproportionate and hence the impugned order warrants no interference.

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

6.Admittedly, the first respondent was appointed as driver in the



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petitioner Corporation and he was unauthorisedly absent for duty from 07.03.2014 and hence he was issued with charge memo dated 29.05.2013 and after enquiry, he was dismissed from service vide order dated 29.04.2014.

7.Perusal of records disclose that enquiry was not conducted in a proper manner. Further, for unauthorized absence, the punishment of dismissal from service is highly disproportionate and all these facts were properly adjudicated by the second respondent and hence the impugned order warrants no interference.

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

24.04.2025

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

To

1.The Special Deputy Commissioner of Labour,
D.M.S.Compound,
Chennai – 600 006.

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M.DHANDAPANI,J.
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