



WEB COPY

WP Nos.34649 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP Nos.34649 of 2019

Murugan

...Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137, Salamedu, Valuthareddy Post,
Villupuram – 605 602.

...Respondent

PRAYER Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondent to reinstate the petitioner consequential to the order made in A.P.No.129 of 2014 dated 05.07.2018 passed by Special Joint Commissioner of Labour, Chennai in rejecting the approval for dismissal made in Ka.Mu.Aa.No.45/13156/Ni2/Tha.naa.A.Poo.Ka (Villu)/2012.

For Petitioner

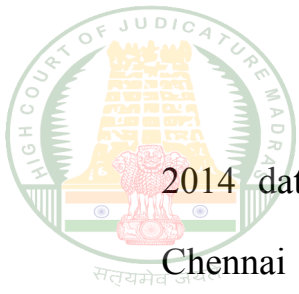
Mr. D.Veerasekaran

For Respondent

Mr. M. Aswin

ORDER

The petitioner has filed this Writ petition seeking a direction directing the respondent to reinstate the petitioner as per the order made in A.P.No.129 of



2014 dated 05.07.2018 passed by Special Joint Commissioner of Labour, Chennai in rejecting the approval for dismissal made in Ka.Mu.Aa.No.45/13156/Ni2/ Tha.naa.A.Poo.Ka (Villu)/2012.

2. It is the case of the petitioner that he joined as driver in the respondent Corporation. On 0.02.2013, when the petitioner was driving the bus, one pedestrian crossed the road without minding the road traffic and hit in the edge of the bus fell down and he sustained injuries. The Inspector of Police, Valavanoor police Station registered a case in Cr. No.66/2013 under Section 279 and 304(A) of IPC and filed final report in CC. No.29 of 2016 on the file of the Chief Judicial Magistrate, Villupuram. After trial, the learned Judge, acquitted the petitioner from the aforesaid charges. Thereafter, the respondent issued charge memo on 04.02.2013. The petitioner has submitted his detailed reply. The respondent conducted domestic enquiry and no eye witnesses and duty conducted were examined. The respondent removed from service by order dated 17.05.2014 without considering his explanation for the show cause notice dated 25.01.2014. The respondent filed approval petition in AP. No.129/2014 with a delay of 6 days against the order of the date of dismissal under disciplinary proceedings before the Joint Commissioner of Labour. The Joint Commissioner of Labour passed an order dated 05.07.2018 rejected the approval for dismissal. The respondent has not come forward to reinstate the petitioner. Hence, the petitioner has filed the present writ petition.



3. The learned counsel for the petitioner submitted that once the approval petition is rejected by the trial Court, the petitioner is entitled to join duty as held by this Court in the case of *K.Bakthavatchalam case*. Hence, this Court may direct the respondent to reinstate the petitioner within the stipulated time as fixed by this Court.

4. Heard learned counsel appearing on behalf of the petitioner as well as the respondent and perused the materials available on record.

5. In view of the limited request made by the learned counsel for the petitioner, this Court directs the petitioner to make a fresh representation to the respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the same, the respondent is directed to consider the same and pass appropriate order within a period of two weeks thereafter.

6. With the above directions, this Writ Petition stands disposed of. No costs.

17-04-2025

1/2

rli

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To
WEB COPY

WP Nos.34649 of 20



M.DHANDAPANI,J.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137, Salamedu, Valuthareddy Post,
Villupuram – 605 602.
2. The Special Deputy Commissioner
of Labour,
D.M.S.Compound, Chennai

WP No.34649 of 2019

17.04.2025