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W.P. No.37051 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P. No.37051 of 2024
and WMP.No.40030 of 2024

The Management
Metropolitan Transport Corporation
No.2, Anna Salai
Chennai - 2.

... Petitioner

Vs.

1.The Special Joint Commissioner of Labour
DMS Compound
Teynampet
Chennai - 600 006.

2.M.S.Kannan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ in the nature of Certiorarified Mandamus after calling for the records of the first respondent pertaining to his proceedings in A.P.No.118 of 2022 dated 11.09.2023 and quash the same and consequently allow the approval petition filed by the petitioner Management in A.P.No.118 of 2022.



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For Petitioner : Mr.A.Vinothraj
For Respondents : Mrs.M.Jayanthy
Additional Government Pleader for R1

ORDER

Challenging the dismissal of the approval petition in A.P.No.118 of 2022 filed by him before the Special Joint Commissioner of Labour, the first respondent herein, the Management is before this Court.

2. It is the case of the petitioner-Management that the second respondent was working as conductor attached to Tondiarpet Depot. The second respondent was unauthorisedly absent from 01.09.2020, continuously for over 8 days without intimation and prior permission from his officials. This amounted to violation of the certified Standing Orders and therefore, the petitioner-Management received a complaint dated 08.10.2020 from the officials at Tondiarpet depot, narrating the above facts. Based on the complaint, the petitioner-Management issued a charge memo dated 14.12.2020 to the second respondent, which was sent to him through registered post, however, the same was returned on 28.01.2021. The



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Management thereafter proceeded with an enquiry following the due process of law. The Enquiry Officer after going through the records, had submitted his report dated 18.08.2021, holding the charges proved. The report of the Enquiry Officer was sent to second respondent through registered post and a copy of which was also affixed on the notice board in the depot. The second respondent who was given several opportunities, had failed to file his objections. Therefore, the findings of the Enquiry Officer was held proved and a final order dated 27.05.2022 came to be passed by the petitioner-Management, ordering that the second respondent shall be removed from service.

3. The petitioner-Management submitted his approval petition in A.P.No.118 of 2022 before the first respondent. The first respondent had rejected the approval petition by order dated 11.09.2023. Challenging the same, the petitioner-Management is before this Court.

4. The second respondent-workman though served has not entered appearance. Heard the learned counsel appearing for the petitioner-Management and the learned Additional Government Pleader appearing for



the first respondent.

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5. A perusal of the detailed order passed by the first respondent in A.P.No.118 of 2022 would clearly show that the petitioner-Corporation had flouted the due process of law and had not adhered to the principles of natural justice. Further, the first respondent had held that a *prima facie* case was not made out and the contention of the petitioner-Management that the second respondent was on unauthorised leave, was totally false, inasmuch as the second respondent-workman in his counter has clearly stated that he had been struck by paralysis on 27.02.2014, when he was in the depot and that he was taken to the hospital immediately by the staff who were there on duty at that point of time. Thereafter, owing to his health condition, the second respondent was unable to pursue his conductor job and therefore he had sought for an alternate job. This fact was informed to the Branch Manager of Tondiarpet depot, in writing through registered post enclosing his medical certificates etc., but the said officer without receiving the same, had returned his medical leave applications. The letters enclosing the medical reports of the workman, which were returned by the Management, had been marked as Ext.R1. The petitioner-



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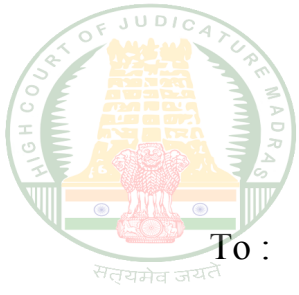
Management thereafter initiated the proceedings terminating the first respondent from service, following which, they also filed the approval petition in A.P.No.118 of 2022, as mandated in law.

6. From the above records, it is very clear that the basis on which the termination has taken place is absolutely erroneous and the first respondent has also observed that the termination was a vindictive one and dismissed the approval petition.

7. I see no reason to interfere with the well considered and detailed order dated 11.09.2023 passed by the Special Joint Commissioner of Labour, the first respondent herein, in A.P.No.118 of 2022. The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2025

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

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The Special Joint Commissioner of Labour
DMS Compound
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P.T. ASHA, J.

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