



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17-04-2025**

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**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP No. 5999 of 2022  
and WMP Nos. 6087 & 15979 of 2022**

The Management  
Tamil Nadu state Transport Corporation  
(Villupuram) Ltd.,  
Vazhuthareddy, Salamedu,  
Villupuram Region,  
Villupuram 605 602.

Petitioner

Vs

1. V.P. Murugan  
Jaganathapuram, C. Kallipattu,  
Villupuram 605 105.
2. The Special Deputy Commissioner  
of Labour,  
D.M.S.Compound, Chennai.

Respondent(s)

**PRAYER** Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, to call for the records of the 2<sup>nd</sup> Respondent made in A.P.No.129/2014, dated 05.07.2018 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.



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WP No.5999 of 2018



For Petitioner

Mr. M. Aswin

For Respondent

Mr. D.Veerasekaran R1

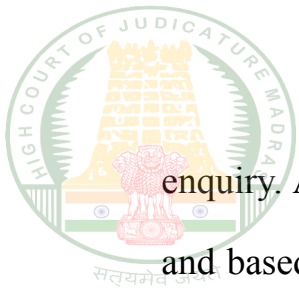
Mr.P.Ganesan, R2  
Government Advocate

### **ORDER**

This Writ petition has been filed seeking quashment of the order of the the 2<sup>nd</sup> Respondent made in A.P.No.129/2014, dated 05.07.2018 and consequently to direct the 2nd respondent to approve the order of the petitioner dated 17.05.2014 dismissing the 1st respondent from service.

2. Mr.P.Ganesan, learned Government Advocate takes notice on behalf of the 2nd respondent. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the 1st respondent was working as a driver in the petitioner corporation. While so, the 1st respondent had committed a fatal accident which resulted in death of a person and subsequently, he was subjected to suspension and had been dismissed from service after giving due regard to the facts and evidences which had been presented before it and the enquiry had been done in accordance to the principles of natural justice and the first respondent also participated in the



enquiry. After conducting enquiry, the Enquiry Officer submitted his findings and based on the said Enquiry Report, the 1st respondent was dismissed from service on 17.05.2014. Parallely, an Approval Petition in A.P.No.129 of 2014 was filed by the petitioner before the 2nd respondent, however, the same was rejected, vide impugned order dated 05.07.2018 on the ground that the petition was filed with a delay of 6 days. Challenging the same, the petitioner Management has filed the present Writ petition.

4. Learned counsel for the petitioner corporation submitted that, the petitioner corporation is a Government undertaking established for the purpose of providing economic transport facilities to the surrounding public and also to provide employment opportunities to eligible persons in and around of its area. It is pertinent to note that the petitioner corporation is an employee oriented organization and it also owes a duty towards public safety and is well within its rights to initiate disciplinary action for fatal accidents which is admittedly a misconduct under the standing orders. The petitioner Management proceeded with the enquiry by issuing a charge memo on 18.02.2013. Thereafter, the petitioner proceeded with the domestic enquiry after issuing notice and the 1st respondent/workman participated in the enquiry conducted, in which the 1st respondent/workman was also cross examined and thereafter, the Enquiry officer submitted his findings and the same was also served on the 1st respondent. After conducting due enquiry, the order of dismissal came to be passed as against the 1st respondent. Learned



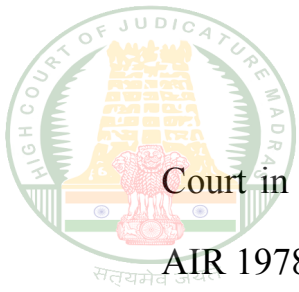
counsel further submitted that the approval petition has to be decided on the basis of the law laid down by the Apex Court in the case of Lalla Ram Vs.

Management of D.C.M. Chemicals Works Ltd. & Ors. reported in AIR 1978 SC 1004, and in the present case, though the petitioner Management, has complied with all the procedures as laid down by the Hon'ble Apex Court, however, the 2nd respondent had dismissed the approval petition filed by the petitioner solely on the ground that the approval petition has been filed with a delay of six days and enquiry has not conducted in a fair and proper manner. Accordingly, he prayed for appropriate orders.

5. Per contra, the learned counsel appearing on behalf of the first respondent submitted that the domestic enquiry was conducted in a hurried manner and within short span of time, the order of dismissal was issued against the 1st respondent and since there is a clear violation of the principles of natural justice, the 2nd respondent has rightly rejected the approval petition by the impugned order, which cannot be said to be erroneous. Accordingly, he prayed for dismissal of this Writ petition.

6. Heard learned counsel on either side and perused the materials available on record.

7. The ingredients which should be satisfied by the employer while filing the approval petition have been spelt out in the decision of the Apex



Court in ***Lalla Ram Vs. D.C.M. Chemical Works Ltd. and Ors.***, reported in AIR 1978 SC 1004, wherein the Supreme Court held thus :

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*"(i) whether a proper domestic enquiry in accordance with the relevant rules/Standing Orders and principles of natural justice has been held;*

*(ii) whether a prima facie case for dismissal based on legal evidence adduced before the domestic tribunal is made out;*

*(iii) whether the employer had come to a bona fide conclusion that the employee was guilty and the dismissal did not amount to unfair labour practice and was not intended to victimise the employee;*

*(iv) whether the employer has paid or offered to pay Wages for one month to the employee; and*

*(v) whether the employer has simultaneously or within such reasonably short time as to form part of the same transaction applied to the authority before which the main industrial dispute is pending for approval of the action taken by him."*

8. From the materials available on record, it is evident that the approval petition was not filed simultaneously when the order of dismissal had come to be passed. It is even the admitted case of the petitioner that there is a delay of 6 days. It is the consistent view of the Courts that there should be proper explanation for the delay and in the absence of the same, even a single day's



delay is fatal. Though in *Lalla Ram's* case, it has been held that if there is any delay in filing the petition, the reasonableness should be explained. However, in the case on hand, there is no explanation for the delay, much less any explanation, which is reasonable and in such a circumstance, the requirement of Section 33(2)(b) of the Industrial Disputes Act has not been fulfilled and, therefore, the same does not merit acceptance. Appreciating the materials in proper perspective, the Labour Court has rejected the approval petition, which cannot be said to be erroneous.

9. For the reasons aforesaid, this Writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

**17-04-2025**

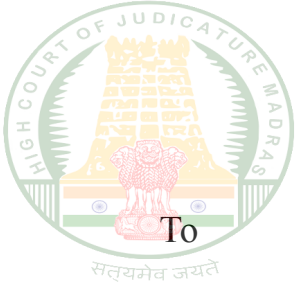
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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



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**M.DHANDAPANI,J.**

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