



W.P(MD)No.4224 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4224 of 2025
and
W.M.P(MD)No.3032 of 2025

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
By-Pass Road,
Collectorate Post,
Dindigul-624 004.

... Petitioner

Vs.

1.The Special Joint Commissioner of Labour,
Office of the Commissioner of Labour,
Chennai-6.

2.S.Murugesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the files of the first respondent pertaining to its impugned order in A.P.No.82 of 2023 on the files of the first respondent, dated 10.09.2024 and to quash the same as illegal and to pass such further or other orders as this Court.



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For Petitioner : Mr.S.C.Herold Singh
For R-1 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R-2 : Mr.K.Vinoharan
for Mr.G.Prabhu Rajadurai

ORDER

The present writ petition has been filed by the Management of the Tamil Nadu State Transport Corporation, Dindigul Region challenging the order passed by the first respondent herein in A.P.No.82 of 2023, wherein, the approval sought for by them under Section 33(2)(b) of the Industrial Disputes Act, 1947 has been rejected.

2. The second respondent herein, who is employed as a Driver in the petitioner Transport Corporation was issued with a charge memo on 17.12.2022. After domestic enquiry, he was dismissed from service on 22.05.2023. The Management has submitted their application before the first respondent seeking his approval on 23.05.2023. The first respondent herein has rejected the said application on the following grounds:

"a) The approval application has not been filed in time.

b) The Management has not established a prima facie case on the basis of the evidence let in during domestic enquiry.



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c) One month wages have not been paid to the workman as contemplated under Section 33(2)(b) of the Industrial Disputes Act."

This order is put to challenge by the Management in the present writ petition.

3. A perusal of the records reveal that, the order of dismissal has been passed by the petitioner Management on 22.05.2023. The dismissal order has been submitted for approval to the first respondent on 23.05.2023. This is evident from the endorsement made to the covering letter. However, the authority finds that, the application has been received by the Office only on 01.06.2023. This delay has happened in transmitting the approval application from one Section to other Section within the first respondent Office. Therefore, the delay is not attributable to the petitioner Management. In such circumstances, the said finding is not sustainable in the eye of law.

4. The authority has further found that, the Management has failed to establish a *prima facie* case as against the second respondent. The allegation against the second respondent is that he has unauthorisedly taken the bus to the

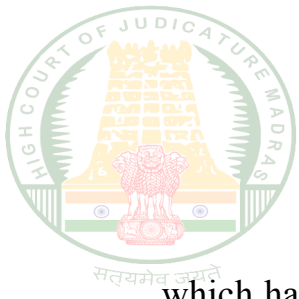


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District Collector Office and he had given an interview to the Press with regard to the condition of the vehicle. In the counter filed before the first respondent, the second respondent, namely, the delinquent has admitted that, he has taken the bus to the District Collectorate to make complaint about the condition of the bus to the District Collector. In such circumstances, the authority was not right in arriving at a finding that, the Management has not made out a *prima facie* case, just because the Conductor of the bus was not examined. It is clear that, *prima facie* case has been made out by the Management. However, the finding of this Court would not affect the rights of the delinquent, in case, if an order of approval is granted and ultimately the workman approaches the Labour Court.

5. As far as the dispute relating to payment of last drawn wages is concerned, the Management has paid a sum of Rs.30,367/- as one month wages as a condition precedent for passing an order of dismissal. This amount has been arrived at after imposing three punishments, dated 10.05.2023, 11.05.2023 and 19.05.2023, wherein, reduction in pay scale has been ordered. However, these orders have not been placed before the approving authority to verify the genuineness of these orders. In such view of the matter, this Court is of the considered opinion that, unless the orders relating to reduction in pay scale



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which has resulted in reducing the basic salary to Rs.18,200/- are placed before the approving authority, the approving authority cannot arrive at a finding whether one month wages has been paid to the workman before passing an order of dismissal.

6. In view of the above said deliberations, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the first respondent herein granting an opportunity to the Management to place all the documents relating to the monthly wages of the petitioner. The workman is also at liberty to let in any evidence on his side.

7. With the above said observations, this writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

18.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The Special Joint Commissioner of Labour,
Office of the Commissioner of Labour,
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R.VIJAYAKUMAR, J.

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