



W.P(MD)Nos.14875 to 14878 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.14875 to 14878 of 2022 and
WMP(MD) Nos.10631 to 10634 of 2022

W.P(MD)No.14875 of 2022:-

The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
Bye Pass Road,
District Collectorate Post,
Dindigul – 624 004.

... Petitioner

Vs

1.The Special Deputy Commissioner of Labour,
O/o. Commissioner of Labour,
Chennai - 600 006.

2.Ganesan.C

...Respondents

W.P(MD)No.14876 of 2022:-

The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,



W.P(MD)Nos.14875 to 14878 of 2022

Dindigul Region,
Bye Pass Road,
District Collectorate Post,
Dindigul – 624 004.

... Petitioner

Vs

1.The Special Deputy Commissioner of Labour,
O/o. Commissioner of Labour,
Chennai - 600 006.

2.P.Pandian

...Respondents

W.P(MD)No.14877 of 2022:-

The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
Bye Pass Road,
District Collectorate Post,
Dindigul – 624 004.

... Petitioner

Vs

1.The Special Deputy Commissioner of Labour,
O/o. Commissioner of Labour,
Chennai - 600 006.

2.K.Chandran

...Respondents

W.P(MD)No.14878 of 2022:-

The General Manager,
Tamil Nadu State Transport Corporation



W.P(MD)Nos.14875 to 14878 of 2022

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(Madurai) Ltd.,
Dindigul Region,
Bye Pass Road,
District Collectorate Post,
Dindigul – 624 004.

... Petitioner

Vs

1.The Special Deputy Commissioner of Labour,
O/o. Commissioner of Labour,
Chennai - 600 006.

2.A.Narayanan

...Respondents

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned orders dated 08.04.2021 passed by the 1st respondent in A.P.Nos. 224, 450, 501 & 566 of 2011 as illegal and quash the same.

For Petitioner	: Mr.J.Senthil Kumaraiah
For R1	: Mr.S.Vinoth
	Government Advocate
	(In all writ petitions)
For R2	: Mr.D.Anbarasu
	(In WP(MD) No.14877 of 2022)
For R2	: Mr.S.Arunachalam
	(In WP(MD) No.14875 of 2022)



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COMMON ORDER

These writ petitions have been filed by the General Manager, Tamil Nadu State Transport Corporation (Madurai) Ltd., Dindigul, challenging the orders passed by the first respondent in A.P.Nos.224, 501, 450 and 566 of 2011, dated 08.04.2021, rejecting the approval petitions filed under Section 33(2)(b) of the Industrial Disputes Act.

2.Since the issue in all these writ petitions are arising out of the rejection of approval petitions filed by the petitioner Management, these writ petitions are taken up together and disposed of by this common order.

3.The second respondents in all writ petitions were working as Conductors in the petitioner's Transport Corporation. While they were on duty, they have misappropriated certain amount and therefore, they have issued with charge memos, and on proved



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charges, they were dismissed from service on 11.07.2011, 08.12.2011, 15.11.2011 and on 08.12.2011 respectively. The petitioner Corporation have moved applications under Section 33(2) (b) of the Industrial Disputes Act, before the the Special Deputy Commissioner of Labour, Chennai/ the first respondent herein for approval of dismissal orders passed as against the workmen, however, it was rejected on the ground that the petitioner Management has not placed the essential materials, including the charge memos and the enquiry proceedings and therefore, the Authority was not in a position to determine the manner, in which, the enquiry was conducted. Aggrieved over the same, the petitioner Management has filed writ petitions before this Court in W.P. (MD)Nos.18140 to 18143 of 2014. The said writ petitions were disposed of by this Court, by order dated 01.10.2019 on the following terms.

“11.In these cases, the enquiry against the delinquents are not proved by the Management to satisfy the requirements of law. Even though the Management have materials, unless they are produced and the management prove that the domestic



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enquiry was conducted in the manner required in law, the petitioner / Management cannot give effect to the order of punishment. In that view of the matter this Court is inclined to pass the following order.

12. These writ petitions are partly allowed and the matter is remitted to the first respondent/Special Deputy Commissioner of Labour; the first respondent in all these writ petitions. It is open to the petitioner/Management to produce the documents / official records to prove their contention that the domestic enquiry was conducted in the manner required in law.

13. By remitting the matter, this Court has not set aside the order of punishment. Therefore, the status quo as on the date of order of punishment earlier will continue for all purpose. Considering the request of the employees for provisional pay/provisional pension, the petitioner/ Management is directed to disburse the same on the basis of last drawn salary to the second respondent in each case from this date or to reinstate the second respondents wherever possible, in the individual writ petitions. The approval petitions shall be disposed of by the first respondent within a period of three months from the date of receipt of a copy of this order.”.



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3.1.After remittance of the matter by this Court, the Authority has once again rejected the approval petitions filed by the petitioner Management that the materials required to prove the charges levelled as against the workmen have not been placed before them, as directed by this Court. Challenging the same, the present writ petitions have been filed by the petitioner Management.

4.The learned counsel appearing for the petitioner Management, by referring to the orders passed by the Authority/the first respondent submits that though they have produced the relevant/required documents, the Authority has rejected the approval petitions. Thereafter, when it was remanded back to the Authority, the Management claimed that the enquiry proceedings dated, 04.10.2010, 19.08.2011, 26.04.2011 and the enquiry findings, dated 01.12.2010, 25.08.2011, 28.06.2011 were placed before the Authority and marked as Exs.A5 and A6. Therefore, according to the learned counsel, the documents have been duly marked before the Authority, however, without considering the same, the Authority



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has once again rejected the approval petitions. The learned counsel further submits that the Authority for approval under Section 33(2) (b) of the Industrial Disputes Act is not supposed to conduct a roving enquiry. Once the enquiry proceedings and its findings have been placed before the Authority, they had to take a decision for approval, based on the enquiry findings, as per the conditions stipulated in the proviso to the section. According to the learned counsel, the orders passed by the Authority is erroneous and it needs to be interfered with.

5.The learned counsel for the second respondents/workmen by referring to the earlier order passed by this Court submits that the Management has failed to place the basic documents, such as, the charge memo, particulars about the summons, if any issued by the Management to the workmen in the disciplinary proceedings. In the absence of such materials, it has to be presumed that the enquiry has been proceeded without following the due process of law and it is in violation of the principles of



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natural justice, which is one of the condition required, which has to be ascertained by the Authority under Section 33(2)(b) of the Industrial Disputes Act, as per the order of the Honourable Supreme Court, in ***Lala Ram Vs. Supreme Court Of India & Ors***, reported in ***1967 SCR (1) 14***, dated 31.10.1966. The learned counsel further submits that this Court, by its order, dated 01.10.2019, has partly allowed the writ petitions in WP(MD) Nos.18140 to 18143 of 2015 and remanded the matter for fresh consideration, enabling the Management to place those materials. Even after this remand, the Management has failed to produce the required materials such as charge memo and service of summons to the workmen in the domestic enquiry. Therefore, it is apparent that the enquiry has been conducted without following the principles of natural justice and therefore, there is no error in the order passed by the authority.

6.This Court considered the rival submissions made and also perused the materials placed on record.



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7.The petitioner Management has dismissed the second respondents/workmen on certain delinquencies; since the Industrial Disputes were pending, the orders of dismissal were referred to the Authority/Special Deputy Commissioner of Labour, Chennai, for approval, as required under Section 33(2)(b) of the Industrial Disputes Act; the authority has refused to approve the orders; challenging the same, the petitioner Management has preferred writ petitions before this Court; this Court, by its order, dated 01.10.2019 has remanded the matter to the Authority for fresh consideration and directed the petitioner Management to produce the documents before the Authority to prove their contention that the domestic enquiry was conducted in the manner required in law; the Authority has considered the issue and once again refused to approve the orders of dismissal that the conditions/guidelines as stipulated by the Honourable Supreme Court in ***Lala Ram Vs. Supreme Court Of India & Ors***, reported in ***1967 SCR (1) 14***, dated 31.10.1966 have not been followed by the petitioner Management.



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8. In the above cited judgment, the Honourable Supreme Court has issued certain guidelines as to the manner, in which, the order of dismissal has to be appreciated by the Authority, under Section 33(2)(b) of the Industrial Disputes Act. The guidelines are extracted as under:-

“12. The position that emerges from the above quoted decisions of this Court may be stated thus: In proceedings under Section 33(2)(b) of the Act, the jurisdiction of the Industrial Tribunal is confined to the enquiry as to

- 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 regard being had to the position settled by the decisions of this Court in Bengal Bhatdee Coal Co. v. Ram Prabesh Singh [AIR 1964 SC 486 : (1964) 1 SCR 709 : (1963) 1 LLJ 291 : 24 FJR 406] , Titaghur Paper Mills Co. Ltd. v.*



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Ram Naresh Kumar [(1961) 1 LLJ 511 : (1960-61) 19 FJR 15] , Hind Construction & Engineering Co. Ltd. v. Their Workmen [AIR 1965 SC 917 : (1965) 2 SCR 85 : (1965) 1 LLJ 462 : 27 FJR 232] , Workmen of Messrs Firestone Tyre & Rubber Company of India (P) Ltd. v. Management [(1973) 1 SCC 813 : 1973 SCC (L&S) 341 : AIR 1973 SC 1227 : (1973) 3 SCR 587] and Eastern Electric & Trading Co. v. Baldev Lal [(1975) 4 SCC 684 : 1975 SCC (L&S) 382 : 1975 Lab IC 1435] that though generally speaking the award of punishment for misconduct under the Standing Orders is a matter for the management to decide and the Tribunal is not required to consider the propriety or adequacy of the punishment or whether it is excessive or too severe yet an inference of mala fides may in certain cases be drawn from the imposition of unduly harsh, severe, unconscionable or shockingly disproportionate punishment;

- 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. If these conditions are satisfied, the Industrial Tribunal would grant the approval which would relate back to the date from which the employer had ordered the dismissal. If however, the*



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domestic enquiry suffers from any defect or infirmity, the labour authority will have to find out on its own assessment of the evidence adduced before it whether there was justification for dismissal and if it so finds it will grant approval of the order of dismissal which would also relate back to the date when the order was passed provided the employer had paid or offered to pay wages for one month to the employee and the employer had within the time indicated above applied to the authority before which the main industrial dispute is pending for approval of the action taken by him.”

9.The petitioner Management has challenged the initial rejection orders, dated 17.05.2013, 10.05.2013 and 31.10.2013 by way of writ petitions, before this Court in WP(MD) Nos.18140 to 18143 of 2014, wherein, this Court, by its order, dated 01.10.2019 has confirmed the order of the first respondent that the required documents have not been placed and remitted the matter for fresh consideration. The petitioner Management has also appeared before the Authority and has placed certain documents. However, the charge memos and the service of summons to the delinquents have not been placed before the first respondent. Therefore, the first



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respondent by its order, dated 08.04.2021 has once again rejected the approval petitions filed by the petitioner Management. Therefore, the Management has approached this Court.

10.As stated supra, the role of the the first respondent/ the Authority under Section 33(2)(b) of Industrial Disputes Act is to ensure the domestic enquiry conducted by the employer into the misconduct of the workmen was fair, proper, and followed principles of natural justice. The authority must determine if the dismissal was bona fide or if it was an act of victimization or an unfair labour practice. The perusal of the order reveals that though there was no allegations of unfair labour practice, even the basic documents pertaining to the domestic enquiry, namely the charge memos and the service of summons to the delinquents were not placed before the authority.

11.Considering these rival submissions, this Court, by its earlier order dated, 12.08.2025 has permitted the petitioner



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Management to place those basic documents atleast before this Court. Though sufficient opportunity has been provided to the petitioner, they have not placed the materials even before this Court and therefore, this Court is of the view that these writ petitions are deserved to be dismissed.

12.The learned counsel for the petitioner Management submits that the disciplinary proceedings was ordered in the year 2011 and therefore, they are not in a position to collect those documents and produce the same before this Court. The order of dismissal has not been approved by the Authority even in the year 2013, only on the ground that the petitioner Management has failed to produce the basic documents such as charge memos and the service of summons to the delinquents and that order has been challenged by the Management before this Court, wherein, this Court has remanded the matter to the Authority only for the purpose of enabling the Management to place all those materials before the Authority. Once this Court has remanded the matter for the sake of



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production of those documents, they ought to have preserved those documents, which are the subject matter of the writ petitions and produced the same before the Authority. However, they have not done so. In view of the above, the stand now taken by the petitioner Management that the documents are of old records and therefore, they could not produce the same is not sustainable.

13.In view of the foregoing reasons and discussions, these writ petitions are dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

21.11.2025

Index:Yes
Internet:Yes
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To

The Special Deputy Commissioner of Labour,
O/o. Commissioner of Labour,
Chennai - 600 006.



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B.PUGALENDHI, J.

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Commom Order made in
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