



W.P.(MD).No.18112 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18112 of 2025

and

W.M.P(MD) No.13873 of 2025

The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Bye Pass Road,
The District Collector Office Post,
Madurai – 624 004.

... Petitioner

Vs.

1. The Special Joint Commissioner of Labour,
Chennai.

2. M.Dhandapani
Conductor (SL.Gr.CR 61574)
V.Chitoor Village, Vadamadurai Post,
Vedasandoor Taluk,
Dindigul District – 624 802.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records on the files of the Special Joint Commissioner of Labour, Chennai pertaining to its proceedings in A.P.No.93 of 2022 dated 13.03.2024 and quash the same.

For Petitioner : Mr.S.C.Herold Singh



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For R1 : M/s.D.Farjana Ghoushia
Special Government Pleader
For R2 : Mr.K.Arunraj

ORDER

The present Writ Petition has been filed by the Management of Tamil Nadu State Transport Corporation, Dindigul Region challenging the dismissal of an application filed under Section 33 (2)(b) of Industrial Disputes Act, 1947.

2. The second respondent herein, who was employed as a Conductor, was issued with a charge memo, for non issuance of ticket after collecting fare from three passengers who were travelling from Dindigul to Tiruppur. The explanation offered by the delinquent was not satisfactory and therefore, after conducting domestic enquiry the second respondent herein was found to have committed misconduct. The Management has proceeded to pass order of dismissal. The dismissal order was placed for approval before the first respondent herein.

3. The first respondent had rejected the request for approval on the sole ground that the driver of the concerned bus has not been examined.



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Challenging the said order, the present Writ Petition has been filed by the Management.

4. According to the learned counsel appearing for the petitioner/ Management, the charges as against the Conductor do not warrant examination of the driver. The approving authority found that the enquiry has been conducted in a fair manner in compliance with the principles of natural justice and the issue of non issuance of ticket after receiving fare, does not warrant examination of the driver of the bus.

5. Per contra, the learned counsel appearing for the delinquent submitted that the second respondent has completed more than thirty years of service and he is about to retire on 01.04.2028 and hence, the order of dismissal is disproportionate to the charges. He further submitted that the charges as against the second respondent have not been proved in accordance with the procedures. Hence, he prayed for confirming the order passed by the first respondent.

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



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7. A perusal of the order impugned in the writ petition reveals that the approving authority has rejected the request for approval on the sole ground that the driver of the concerned bus has not been examined by the Management during the domestic enquiry. A perusal of the charges reveal that the delinquent has been charged with misappropriation of a sum of Rs.306/- after having received fare from the passengers and not issued ticket. For such an allegation, the examination of the driver of the bus is not necessary. Therefore, the first respondent herein was not right in rejecting the request for approval of the order of dismissal imposed by the Management.

8. In view of the above said deliberations, the order impugned in the Writ Petition is set aside and this Writ Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

14.08.2025

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

1. The Special Joint Commissioner of Labour,
Chennai.



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R.VIJAYAKUMAR,J.

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