



WP(MD). No.13189 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.09.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.13189 of 2018
and WMP(MD)No.12037 of 2018

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Region,
Bye-pass Road,
Madurai – 625 010.

... Petitioner

Vs.

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

2. R.Rajeshkannan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records of
the 1st respondent in his proceeding in Approval Petition in A.P.No.458 /
2012 dated 14.09.2017 and quash the same.



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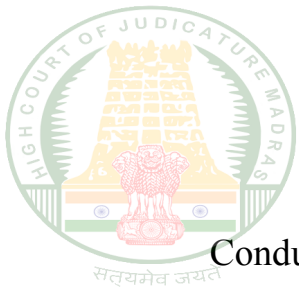
WP(MD). No.13189 of 2018

For Petitioner : M/s.J.Senthilkumariah,
Advocate
For R1 : Mr.C.Venkatesh Kumar
Special Government Pleader
For R2 : Mr.J.Lawrance
Legal Aid Counsel

ORDER

The second respondent was engaged as a reserve Conductor by the petitioner Management on 21.01.2008. He was dismissed from service, by order dated 13.08.2012. Since the second respondent was dismissed from service, the order of dismissal was sent to the first respondent for necessary approval under Section 33(2)(b) of the Industrial Dispute Act. The first respondent, by order dated 14.09.2017, rejected the approval petition filed by the Management in A.P.No.458 of 2012 on the ground that the enquiry was not conducted by the petitioner Management by following due process of law and that the punishment is too harsh. Challenging the rejection order passed by the first respondent in the approval petition, the Management has preferred this writ petition.

2. The learned counsel appearing for the petitioner Management submits that the second respondent was engaged only as a reserve



Conductor in the year 2008. Even in the year 2008-2009, he was unauthorisedly absent for 81 days and in the year 2009-2010, he was absent for 260 days and from 18.02.2011, he was continuously absent. Therefore, a charge memo was issued as against the second respondent on 14.06.2011. An enquiry was also conducted after issuing enquiry notice dated 16.02.2012. However, the second respondent has not appeared for the enquiry. A second enquiry notice was also issued on 06.03.2012. Even for that enquiry, the second respondent has not appeared. Thereafter, the enquiry report was filed on 22.03.2012. Based on the enquiry report, a second show cause notice was issued to the second respondent on 26.03.2012. However, the second respondent has not given any explanation on the second show cause notice. Considering the conduct of the second respondent and his unauthorised absence, he was dismissed from service on 13.08.2012. Before the first respondent, the Management has also marked the enquiry notices and the acknowledgment cards as Ex.P2. However, the first respondent, without considering the same, has rejected the approval petition on two grounds that the enquiry has not been conducted properly and the punishment is too harsh.



WP(MD). No.13189 of 2018

WEB COPY

3. This Court has entertained this writ petition in the year 2018 and ordered notice to the second respondent. Though notice was served on the second respondent, there was no representation for the second respondent. Therefore, this Court, by its earlier order dated 08.09.2025, appointed Mr.J.Lawrance, learned counsel, as Legal Aid Counsel to defend the case of the second respondent.

4. Mr.J.Lawrance, learned counsel, who was appointed as Legal Aid Counsel for the second respondent, submits that he also tried to contact the second respondent. However, there was no response from the second respondent. He also confirmed that the enquiry notice dated 16.02.2012 and 06.03.2012 have been served on the second respondent and its acknowledgment card were also marked as Ex.P2. However, he submits that the punishment is too harsh.

5. This Court considered the rival submissions made.



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6. The Standing Order of the Transport Corporation enables the Transport Corporation to terminate any employee, who was unauthorisedly absent. In this case, the petitioner Management claimed that the second respondent was engaged only as a reserve conductor and he was absent for 81 days in the year 2008-2009, 260 days in the year 2009-2010 and continuously absent from 18.02.2011. Therefore, a charge memo was issued as against the second respondent on 14.06.2011. Thereafter, enquiry notice was issued twice on 16.02.2012 and 06.03.2012 and the acknowledgment cards were also marked as Ex.P2. Therefore, this Court is of the view that this aspect has not been considered by the authority/first respondent.

7. Accordingly, this writ petition is allowed and the order passed by the 1st respondent in Approval Petition in A.P.No.458 / 2012 dated 14.09.2017 is set aside. The order dated 13.08.2012 passed by the petitioner Management, dismissing the second respondent from service, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.



WP(MD). No.13189 of 2018

8. The High Court Legal Services Committee shall pay a sum of

Rs.10,000/- (Rupees ten thousand only) to the learned counsel Mr.J.Lawrance, who was appointed as Legal Aid Counsel to defend the case of the 2nd respondent.

15.09.2025

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Index : Yes / No

Internet: Yes / No

NCC : Yes / No.

To

The Chairperson,
High Court Legal Services Committee,
Madurai Bench of Madras High Court,
Madurai.



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WP(MD). No.13189 of 2018

B.PUGALENDHI, J.

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ORDER
IN
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Date : 15/09/2025