



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 11748 of 2026 &
W.M.P.No.12810 of 2026

The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Nagapattinam
Region, 140, Public Office Road, Velipalayam,
Nagapattinam - 611 001.

..Petitioner(s)

Vs

1. R.Murugaiyan
S/o.K.Rengasamy,
1/81-1, main road,
Kasankulam,
Mannargudi taluk - 614 011.
2. The Special Joint Commissioner of Labour
DMS Campus, Anna Salai, Chennai.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 27.12.2023 passed by the 2nd respondent in Approval Petition No.51 of 2022 and quash the same, consequently direct the 2nd respondent to approve the order of the petitioner dated 02.03.2022 dismissing the 1st respondent from service.

For Petitioner(s):	Mr. C.Senapathi
For Respondent(s):	Mr.S.Balamurugan for R2 Government Advocate

ORDER

With consent on either side the main Writ Petition itself is taken up for final disposal at the admission stage. Since no adverse order is passed as against the 1st respondent, notice to the 1st respondent is dispensed with.



2. This Writ Petition has been filed to call for the records pertaining to the order dated 27.12.2023 passed by the 2nd respondent in Approval Petition No.51 of 2022 and quash the same, consequently direct the 2nd respondent to approve the order of the petitioner dated 02.03.2022 dismissing the 1st respondent from service.

3. According to the petitioner, the 1st respondent was working as a driver in the petitioner – Corporation. On 25.03.2021 at about 1.00 P.M., the 1st respondent had driven the vehicle in a rash and negligent manner and when he tried to overtake the motor cycle, he caused death of a person, viz., pillion rider of the motor cycle and the rider of the motor cycle sustained severe injury. The said offence committed by the 1st respondent falls under the Sections 24(13)(a), 27(a), 28(g) and 40 of the Standing Orders of the Petitioner-Corporation, thereby the petitioner-Corporation issued charge memo against the 1st respondent on 27.04.2021 and subsequently, the 1st respondent submitted his reply, which is not satisfactory to the 1st respondent. After issuing notices for enquiry, the enquiry was conducted on 29.09.2021 and not being satisfied with the explanation offered by the 1st respondent, the petitioner dismissed the 1st respondent from service. The petitioner-Corporation filed a petition before the 2nd respondent for approval of the dismissal of the 1st respondent. The 2nd respondent dismissed the approval petition on the ground that the enquiry was not conducted in a proper manner



and there is no prima facie evidence available for ordering dismissal as against the 1st respondent. As against the same, the present writ petition has been filed by the petitioner – Corporation.

4. The learned counsel appearing for the petitioner would submit that the petitioner- Corporation satisfied all the guidelines framed by the **Hon'ble Apex Court in Lalla Ram Vs. DCM Chemical Works Case reported in AIR 1978 SC 1004**. However, providing opportunity to the 1st respondent has to be decided only under Section 2A(2) of the Industrial Disputes Act by the Labour Court and the same is not within the jurisdiction of the authority under section 33(2)(b) of the Industrial Disputes Act , thereby prayed for appropriate orders.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the 2nd respondent and perused the entire documents placed on record.

6. It is pertinent to point out that the 1st respondent is the permanent employee, viz., driver of the petitioner/corporation. On 25.03.2021, the 1st respondent had driven the vehicle, due to which one person had died. In order to prove the negligence as against the 1st respondent, the petitioner had examined the Branch Manager, viz., V.S.Jaysankar, however, the branch manager is not an eye witness, who travelled along with the 1st respondent. Admittedly, the petitioner/corporation obtained the statement from the



conductor, however, the conductor was not examined at the time of enquiry, his statement alone produced. Hence the 1st respondent / employee not able to cross examine the co-employee, who was available at the time of accident, thereby the petitioner failed to establish that there was negligence by the 1st respondent and the petitioner / corporation sustained huge loss by paying compensation to the deceased and injured persons. Hence the 2nd respondent / approval authority, on being satisfied that there is no prima facie evidence available to dismiss the 1st respondent from petitioner- corporation, passed the impugned order. That apart, the application for approval of the dismissal order was filed on 07.03.2021, i.e., 5 days after the dismissal order and the said 5 days delay was not properly explained and the petitioner has not filed the approval petition simultaneously in terms of Lalla Ram case, referred supra, hence the prayer sought by the petitioner cannot be allowed.

7. In view of the above, the present Petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioner / corporation is directed to reinstate the 1st respondent within a period of six weeks from the date of a receipt of copy of the order. No costs.

30-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ssd

The Special Joint Commissioner of Labour
DMS Campus, Anna Salai, Chennai.



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M.DHANDAPANI, J.

ssd

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