



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 05-02-2026**

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**CORAM**

**THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.Nos.23177 & 28876 of 2025  
& W.M.P.No.32396 of 2025**

**W.P.No.23177 of 2025**

**M.Rajesh Kumar, (RD1024)**

**S/o.Mohan,**

**No.3/210, 230, Mariamman Kovil Street,**

**Maasinaickenpatti Post,**

**Ayothiyapattinam,**

**Salem – 636 103.**

**... Petitioner**

**-VS-**

**1. The Managing Director,**

**Tamil Nadu State Transport Corporation, (Salem), Ltd.,**

**No.12, Ramakrishna Road,**

**Salem - 636 007.**

**2.The General Manager,**

**Tamil Nadu State Transport Corporation, (Salem), Ltd.,**

**No.12, Ramakrishna Road,**

**Salem - 636 007.**

**3. The Branch Manager,**

**Erumapalayam Branch – I,**

**Tamil Nadu State Transport Corporation (Salem) Ltd.,**

**Salem – 636 015.**

**... Respondents**

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to implement the order in A.P.No.91 of 2022 and to reinstate the petitioner to service with all consequential continuity of service, attendant benefits, service benefits such as promotion on par with juniors together with monetary benefits and disburse all the arrears within the time frame fixed by this Hon'ble Court.



For Petitioner: Mr.N.K.Ponraj  
For Respondents: Mr.M.Ashwin

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**W.P.No.28876 of 2025**

The Management  
Rep. its General Manager,  
Tamil Nadu State Transport Corporation (Salem) Ltd,  
12, Ramakrishna Road,  
Salem. ... Petitioner

-VS-

1. The Special Joint Commission of Labour,  
D.M.S.Campus, Chennai.

2. M.Rajesh Kumar,  
Reserve Driver,  
No.310, 230, Mariamman Kovil Street,  
Masinayaganpatti Post,  
Ayodhipattinam,  
Salem – 636 103. ... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in A.P.No.91 of 2022 passed by the 1<sup>st</sup> respondent, the Special Joint Commissioner for Labour, Chennai, dated 24.04.2024 and to quash the same.

For Petitioner: Mr.M.Ashwin  
For Respondents: Mr.A.M.Ayyadurai,  
Government Advocate, for R1  
Mr.N.K.Ponraj, for R2



## **COMMON ORDER**

These two writ petitions are connected and as such taken up and disposed of by a common order.

2. W.P.No.28876 of 2025 is filed challenging the award in A.P.No.91 of 2022, whereby the approval sought with reference to the punishment of dismissal from service imposed on the workman was refused.

3. W.P.No.23177 of 2025 is filed by the workman to implement the said award.

4. I heard Mr.Ashwin, learned Counsel for the Management and Mr.N.K.Ponraj, learned counsel appearing on behalf of the Workman.

5. The factual matrix in which the writ petitions arise is that, the petitioner/workman, who was reserve group driver, was on duty in bus bearing No.TN-30-N-1560 on 29.08.2021. While so, he was about to stop the bus in the bus stop, without noticing a two wheeler on the left-hand side, he swerved the bus to the left. Thereby, the left-hand side body of the bus dashed against the two-wheeler, on account of which the rider fall down and subsequently, he succumbed to the injuries. Therefore, a charge memorandum was issued. After



domestic enquiry, the charges were found to be proved. In view of the settlement entered into by the Management, it sought for approval for the said punishment under section 32(2)(b) before the first respondent. By the order dated 24.04.2024, the approval was refused. It can be seen that before the first respondent, no oral evidence was adduced.

6. On behalf of the Management, Ex.M1 to Ex.M24 were marked and on behalf of the Workman, Ex.W1 to Ex.W12 were marked.

7. Thereafter, the first respondent framed five questions, as mandated by the Hon'ble Supreme Court of India in ***Lalla Ram vs. DCM Chemical Works (AIR 1978 SC 1004)***. With reference to the first question as to whether, the enquiry was fair and proper the same was answered in the negative. The only reason that is given by the first respondent was that the enquiry was concluded in the same day.

8. However, on perusal of the enquiry report that was marked before the first respondent, it can be seen that the first respondent was duly summoned. At the outset itself, he was informed that the Management is ready with two witnesses and he was asked whether he wants to cross-examine the said witnesses and whether he wants to produce his own witness. As far as the



production of his witness is concerned, the Workman said '*No*' and he fully participated in the enquiry and cross-examined the witnesses. Therefore, when the proceedings is over on the same day itself, the finding of the first respondent that merely because the enquiry was over in one single day, it was unfair is not sustainable.

9. As far as the second question, whether there was prima facie evidence for the Management to have pass the punishment is concerned, again the first respondent held in favour of the Workman. In this regard, the contention of Mr.Ashwin, Learned Counsel for the petitioner is that, it can be seen that in the enquiry, two witnesses, namely the Branch Manager and the Conductor were examined. Further, the first information report, the accident report and the other inspection reports etc., were marked. Therefore, when there is some evidence on record, the finding that is sought to be given in an approval petition is only with reference to prima facie and therefore, the said finding is also perverse according to him.

10. In this regard, the learned counsel for the workman would take this Court through the evidence that is let in the domestic enquiry and also the judgement of the Criminal Court in this regard. It can be seen that while the charge in the Criminal Court was as if the driver hit the two-wheeler from



behind. However, during the course of the trial, the Motor Vehicle Inspector was also examined as witness who had deposed that the marks for the two Wheeler had dashed against the bus was found in the rear side of the bus. Even in the domestic enquiry, the management witness, namely the Witness No.2, deposed that it is only the two-wheeler which hit the bus from behind.

11. In view thereof, there was absolutely no prima facie evidence for the charge of the management as if the two-wheeler was on the left-hand side of the road and that the body of the bus on the left-hand side dashed against the two Wheeler. Therefore, it cannot be said that the finding of the first respondent is perverse in this regard. When absolutely there is not even a prima facie evidence to prove the charge and on the contrary, the evidence that is adduced by the Management runs counter to the charge itself, the finding of the first respondent cannot be said to be perverse or implausible or beyond the scope of the enquiry under Section 33(C)(b).

12. For all the above reasons, W.P.No.28876 of 2025 is filed by the Management fails and is accordingly dismissed. W.P.No.23177 of 2025 is allowed and the Management is directed to reinstate the petitioner into service with all consequential benefits, including continuity of service and other attendant benefits, within a period of four weeks from the date of receipt of the



web copy of the order, without waiting for the certified copy of the order.

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13. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**05-02-2026**

Neutral Citation:No.

bsm

To,

1. The Managing Director,  
Tamil Nadu State Transport Corporation, (Salem), Ltd.,  
No.12, Ramakrishna Road,  
Salem - 636 007.

2.The General Manager,  
Tamil Nadu State Transport Corporation, (Salem), Ltd.,  
No.12, Ramakrishna Road,  
Salem - 636 007.

3. The Branch Manager,  
Erumapalayam Branch – I,  
Tamil Nadu State Transport Corporation (Salem) Ltd.,  
Salem – 636 015.

4. The Special Joint Commission of Labour,  
D.M.S.Campus,  
Chennai.



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W.P.Nos.23177 & 28876 of 2



**D.BHARATHA CHAKRAVARTHY, J.**  
bsm

**W.P.Nos.23177 & 28876 of 2025**

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