



WEB COPY

WP No. 24412 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 24412 of 2025
and WMP.No.27481 of 2025**

The Management
Tamil Nadu State Transport Corporation,
(Coimbatore Division-1), No.37, Mettupalayam
Salai, Coimbatore-641 043.

..Petitioner(s)

Vs

1. The Special Joint Commissioner of Labour
Authority under Industrial Disputes Act DMS
Compound, Teynampet, chennai 600 006.
2. R MOHANRAJ

..Respondent(s)

Prayer: Writ Petition is filed under Article 225 of the Constitution of India praying for issuance of writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to his proceedings in A.P No. 25 of 2024 dated 25.09.2024 and QUASH the same and consequently allow the approval petition filed by the petitioner management in A.P No. 25 of 2024 and pass such other orders or directions as this Court may think deem fit under the circumstances of this case and thus render justice.

For Petitioner(s): Mr.A Vinothraj

For Respondent(s): Ms.V.Yamunadevi,
Special Government Pleader for R1
Mr.V.Porkodi for R2



Order

The writ petition is filed by the petitioner Transport Corporation, challenging the rejection of approval petition filed by them.

2. Case of the petitioner Corporation is that they are operating the buses in the Districts of Erode, Coimbatore, Nilgris and Tirupur for the general public and 16,000 employees are working for the petitioner Corporation. It is the contention of the petitioner Corporation that the 2nd respondent was engaged as Conductor from 07.03.2014 . While the 2nd respondent was on duty on 02.09.2023 in the route of Udumalaipet to Kumaralingam, he instead of providing a free ticket to the disabled passenger, he gave him a ticket of Rs.6/- and engaged in an argument causing emotional distress to the differently abled passenger. For the above, a charge memo was issued to the 2nd respondent, for which, he submitted his explanation. Having not satisfied with the explanation, a domestic enquiry was ordered. The enquiry officer was appointed and the 2nd respondent also participated in the enquiry. Based on the report submitted by the Enquiry Officer, that the allegations against the 2nd respondent has been proven, it was decided to dismiss the 2nd respondent from service and on 26.03.2024, dismissal order was issued to him. Simultaneously the approval petition was also filed before the 1st respondent on 27.03.2024 itself. Since the approval petition filed by the petitioner Corporation got rejected, the petitioner Corporation has filed this Writ Petition.



3. The learned counsel for the petitioner submitted that the petitioner has given sufficient opportunity to the 2nd respondent Conductor and the petitioner Management has established the charge against the second respondent before the Labour Court. After issuing show cause notice, the second respondent was dismissed from service. The petitioner has rightly dismissed the second respondent from service, however, the first respondent approval authority rejected the approval petition. The said decision is contrary to the decision of the Hon'ble Supreme Court reported in *MANU/SC/0268/1978 in the case of Lalla Ram Vs. Management of DCM. Chemical Works Ltd., and others.*

4. Learned Special Government Pleader appearing for the 1st respondent submitted that the issue raised is no longer *res integra* and the Apex Court has laid down the principles under which the authority / Labour Court can go into the issue with regard to any Approval Petition filed by the Management in the case of **Lala Ram Vs. DCM** reported in *AIR 1978 SC 1004*. The authority has interfered with the punishment order only on the ground that there was no eyewitness and observed as to whether there is a prima facie evidence available to establish the case. After looking to the misconduct of collecting a fare of Re. 6/- from physically challenged person, the Trial Court found that punishment of dismissal is totally harsh and disproportionate and passed the impugned order, which does not warrant interference of this Court.



6. Heard both sides and also perused the materials available on record.

6. 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.

7. In the present case, the Trial Court arrived at a conclusion in favour of the petitioner Management in respect of payment of salary and simultaneous application. However on other aspects, the findings were rendered in favour of the 2nd respondent. It is well settled that while exercising jurisdiction under Section 33(2)(b), the Labour Court is not empowered to go into the merits of the enquiry in detail or to weigh the pros and cons of the evidence as an appellate authority. Its scope is limited to satisfying itself about the fairness of the enquiry and the existence of a prima facie case.

8. This Court perused the impugned order. A perusal of the order reveal that the authority has elaborately discussed the manner in which the enquiry was conducted. Such an exercise is akin to that of an appellate authority, which beyond the scope of jurisdiction under Section 33(2)(b) of the Industrial



Disputes Act. The power to adjudicate the dispute on merits is available only under Section 2A(2) of the Industrial Disputes Act. Hence, this Court is of the view that the impugned order is liable to be set aside.

9. Accordingly, the writ petition is allowed and the impugned order dated 25.09.2024 in A.P.No.25 of 2024, is set aside. No costs. Consequently, the connected miscellaneous petition is closed. However, liberty is granted to the 2nd respondent to raise an industrial dispute under Section 2A(2) of the Industrial Disputes Act before the jurisdictional Labour Court and the period from the date of termination till date shall be excluded for the purpose of limitation.

12-03-2026

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

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To

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