



WEB COPY



W.P. No.84 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.84 of 2025

and

W.M.P. No.102 of 2025

and

W.M.P. No.11463 of 2026

The Management
Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
37, Mettupalayam Road, Coimbatore 43.

..Petitioner(s)

Vs

1. The Special Joint Commissioner of Labour
Authority Under Industrial Disputes Act, DMS
Compound, Teynampet,
Chennai 600006.
2. Mr A.Thirumurugan

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records of the 1st respondent pertaining to his proceedings in A.P No. 223 of 2022 and quash order dated 13.03.2022 and consequently allow the approval petition filed by the petitioner management in A.P No. 223 of 2022.

For Petitioner : Mr.A. Vinothraj

For Respondents : Mr.T.M. Rajendiran

Govt. Advocate for R1

Mr.S. Saravanan for R2



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ORDER

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This writ petition has been filed challenging the order passed by the 1st respondent dated 13.03.2024 in A.P. No.223 of 2022, whereby the approval petition filed by the petitioner Corporation under Section 33(2)(b) of the Industrial Disputes Act came to be rejected.

2. The case of the petitioner Corporation is that the 2nd respondent was employed as a driver. While he was on duty on 05.06.2022 at about 6.10 p.m., passengers noticed that he was driving the bus in a rash and negligent manner under the influence of alcohol. Due to the alarming manner of driving, the passengers compelled the 2nd respondent to stop the vehicle and took him to the Government Hospital for medical examination. At that time, the bus was stationed on the road and a crowd had gathered and videographed the incident. The medical examination conducted by the Government Hospital confirmed that the 2nd respondent had consumed alcohol. A certificate to that effect was issued and marked as Ex.P2. Further, it is stated that the 2nd respondent had also paid a fine before the law enforcing agency, which was marked as Ex.P3.

3. In view of the above misconduct, which amounted to violation of standing orders, the petitioner Corporation issued a charge memo dated



06.06.2022. A domestic enquiry was conducted, and the Enquiry Officer submitted his report holding the charges proved as against the 2nd respondent. Thereafter, a second show cause notice was issued, and after considering the explanation of the 2nd respondent, a final order dated 28.11.2022 was passed removing him from service.

4. Since an industrial dispute was pending, the petitioner Corporation filed an approval petition under Section 33(2)(b) of the Industrial Disputes Act before the 1st respondent. However, by order dated 13.03.2024, the 1st respondent rejected the approval petition. Challenging the same, the present writ petition has been filed.

5. Learned counsel for the petitioner Corporation submitted that the misconduct committed by the 2nd respondent is grave in nature, as he drove a public transport vehicle under the influence of alcohol, thereby endangering the lives of passengers and the general public. He further submitted that the petitioner had conducted a full-fledged domestic enquiry by adhering to the principles of natural justice. The Enquiry Officer, upon appreciation of evidence, had categorically held the charges proved as against the 2nd respondent. He further submitted that the petitioner had complied with all the



mandatory requirements under Section 33(2)(b) of the Industrial Disputes Act, including payment of one month wages and filing of the approval petition simultaneously. He vehemently argued that without properly appreciating the evidence and settled legal principles, the 1st respondent has rejected the approval petition on untenable grounds.

6. He drew the attention of this Court to the decision of the Hon'ble Supreme Court in the case of **Lalla Ram vs. D.C.M. Chemical Works Ltd. reported in 1978 3 SCC 1** and submitted that the scope of the authority under Section 33(2)(b) is limited and does not permit re-appreciation of evidence as an appellate authority. In view of the above, he prayed that the impugned order dated 13.03.2022 issued by the 1st respondent is liable to be set aside.

7. Learned counsel appearing for the 2nd respondent fairly submitted that the 2nd respondent intends to work out his remedy by raising an industrial dispute under Section 2(A) of the Industrial Disputes Act. He further submitted that in the event of this Court setting aside the impugned order, liberty may be granted to the 2nd respondent to raise such a dispute, and the period during which the present proceedings were pending may be excluded for the purpose of limitation. On the aforesaid score, he prayed for issuance of appropriate directions.



8. Heard the submissions made by learned counsel on either side and perused the materials available on record.

9. It is not in dispute that the 2nd respondent was subjected to a domestic enquiry, wherein sufficient opportunity was provided to defend himself. The Enquiry Officer, on the basis of evidence including medical certificate confirming alcohol consumption and other supporting documents, has found the charges proved. Thus, the petitioner Corporation established the guilt as against the 2nd respondent and filed basic reports of medical report of the 2nd respondent, charge memo as well as Enquiry Officer's report.

10. The scope of interference by the authority under Section 33(2)(b) of the Industrial Disputes Act is limited. In the present case, the petitioner Corporation had established the misconduct through valid evidence, including medical records, and had complied with all procedural requirements. Generally, the authority cannot re-appreciate evidence or substitute its own findings and their role is confined to seeing whether a prima facie case exists and whether statutory compliance has been made. However, it is noticed that the 1st respondent, appears to have exceeded its jurisdiction by re-appreciating the evidence, which is impermissible in law.

11. In view of the settled legal position laid down by the Hon'ble Supreme Court in **Lalla Ram's** case, as referred to supra, this Court is of the



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considered view that the impugned order passed by the 1st respondent is unsustainable.

12. At the same time, this Court considering the submission made by the learned counsel for the 2nd respondent is inclined to grant liberty to the 2nd respondent to raise an industrial dispute.

13. Accordingly, this Court issues the following directions :-

- i) The impugned order dated 13.03.2024 passed by the 1st respondent in A.P. No.223 of 2022 is set aside.
- ii) Liberty is granted to the 2nd respondent to raise an industrial dispute under Section 2(A) of the Industrial Disputes Act.
- iii) The period during which the present writ petition was pending shall be excluded for the purpose of limitation.

14. The writ petition stands allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

01.04.2026

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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To

The Special Joint Commissioner of Labour
Authority Under Industrial Disputes Act, DMS
Compound, Teynampet,
Chennai 600006.



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M.DHANDAPANI, J.

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