



W.A(MD)No. 287 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2026

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.A(MD)No. 287 of 2026
and
C.M.P.(MD) No.2948 of 2026

The General Manager
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
By pass road, District Collectorate Post,
Dindigul – 624 004.

... Appellant

Vs

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

2.K. Chandran.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 21.11.2025 in W.P.(MD) No.14877 of 2022.

For Appellant : Mr. S.C.Herold Singh



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For R1

: Mr.D.Sasikumar
Additional Government Pleader

For R2

: Mr.D.Anbarasu

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order of the writ court dismissing the writ petition challenging the order of the first respondent in A.P.No.201/2011, the present writ appeal has been filed.

2. The second respondent was a Conductor in the petitioner Transport Corporation and for the allegation of the alleged misappropriation of Rs.24/- in issuing tickets, the charge memo was issued against the second respondent on 09.03.2011 and later, he was dismissed from service on 15.11.2011. After dismissal, the appellant has moved an application under Section 33, Sub-clause 2(b) of the Industrial Disputes Act, 1947, before the Special Deputy Commissioner (Labour), Chennai, for approval of the dismissal order. The said Authority rejected the application on the ground that the appellant Management has not placed only materials, including the charge memo and the enquiry proceedings.



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3. Challenging the same, the appellant has filed a writ petition in W.P.(MD) No.18141 of 2014. The said writ petitions were disposed of by this Court by order dated 01.10.2019 along with other writ petitions, remanding the matter to the first respondent and granting liberty to the Management to produce the documents and official records to prove their contention that the domestic enquiry was conducted in the manner required under law. After remittance of the matter by this Court, the first respondent has once again rejected the approval on the ground that the Management has failed to produce the relevant documents and hence, the enquiry has not been conducted properly.

4. Once again, challenging the said order, the present writ petition has been filed. The Writ Court has found that the Authorities have not produced the documents to prove that the domestic enquiry has been conducted properly and the charge memo has been served on the second respondent herein and hence, dismissed the writ petition.

4. The learned counsel appearing for the appellant submits that the proceedings were already filed before the first respondent. However, the



Writ Court has not considered the same.

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5. Heard both sides and perused the records.

6. In this regard, the Hon'ble Apex Court in ***Lala Ram vs. Supreme Court of India and others***, reported in ***1967 SCR (1) 114***, dated 30.01.1966, has issued the following guidelines:

“12.The position that emerges from the above quoted decisions of this Court may be stated thus: 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;

iii. whether the employer had come to a bona fide conclusion that the employee was guilty and the dismissal did not amount to unfair labour practice and was not intended to victimise the employee regard being had to the position settled by the decisions of this Court in Bengal Bhatdee Coal Co. v. Ram Prabesh



Singh [AIR 1964 SC 486 : (1964) 1 SCR 709 : (1963) 1 LLJ 291 : 24 FJR 406] , Titaghur Paper Mills Co. Ltd. v. Ram Naresh Kumar [(1961) 1 LLJ 511 : (1960-61) 19 FJR 15] , Hind Construction & Engineering Co. Ltd. v. Their Workmen [AIR 1965 SC 917 : (1965) 2 SCR 85 : (1965) 1 LLJ 462 : 27 FJR 232] , Workmen of Messrs Firestone Tyre & Rubber Company of India (P) Ltd. v. Management [(1973) 1 SCC 813 : 1973 SCC (L&S) 341 : AIR 1973 SC 1227 : (1973) 3 SCR 587] and Eastern Electric & Trading Co. v. Baldev Lal [(1975) 4 SCC 684 : 1975 SCC (L&S) 382 : 1975 Lab IC 1435] that though generally speaking the award of punishment for misconduct under the Standing Orders is a matter for the management to decide and the Tribunal is not required to consider the propriety or adequacy of the punishment or whether it is excessive or too severe yet an inference of mala fides may in certain cases be drawn from the imposition of unduly harsh, severe, unconscionable or shockingly disproportionate punishment;

iv. whether the employer has paid or offered to pay wages for one month to the employee and

v. whether the employer has simultaneously or within such reasonably short time as to form part of the same transaction applied to the authority before which



the main industrial dispute is pending for approval of the action taken by him. If these conditions are satisfied, the Industrial Tribunal would grant the approval which would relate back to the date from which the employer had ordered the dismissal. If however, the domestic enquiry suffers from any defect or infirmity, the labour authority will have to find out on its own assessment of the evidence adduced before it whether there was justification for dismissal and if it so finds it will grant approval of the order of dismissal which would also relate back to the date when the order was passed provided the employer had paid or offered to pay wages for one month to the employee and the employer had within the time indicated above applied to the authority before which the main industrial dispute is pending for approval of the action taken by him.”

7. In the light of the above guidelines, we perused the materials. In fact, the appellant was not in a position to produce any documents even before the Writ Court. The very charge against the appellant is that there was a misappropriation of Rs.24/- while issuing the tickets to the passengers, even before the first respondent or before the court, the said



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statements of the passengers have not produced at any point of time.

Therefore, the Appellate Authority as well as the Writ Court have fairly found that when the domestic enquiry suffers from infirmity, there is no fairness in the enquiry and have rightly come to the conclusion that the dismissal order is not proper and therefore, the approval is rejected.

8. When the opportunity has been given not only once but also twice, the Management was not in a position to show that the enquiry was conducted fairly and proper opportunity has been given to the delinquent. In the absence of any such proof for fair enquiry, as a matter of right, the Management cannot insist for approval. Hence, we do not find any merits in this writ petition.

9. With these observations, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

[N.S.K., J.] & [M.J.R., J.]
10.03.2026



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To

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



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N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

apd

ORDER MADE IN

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