



WEB COPY



W.P. No.7926 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.7926 of 2026
and
W.M.P. No.8596 of 2026

The Management of
Tamil Nadu State Transport Corporation
Villupuram Ltd, Cuddalore Region
Cuddalore-607 002.

..Petitioner(s)

Vs

1. Thiru G Prabhu
2. The Special Joint Commissioner of Labour
DMS Campus
Teynampet Chennai-600 006.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari to call for the records relating to the Order passed in A.P.No.50 of 2022 dated 02-08-2024 on the file of the 2nd respondent herein and quash the same.

For Petitioner : Mr.T. Chandrasekaran
For Respondents : R1 – No appearance
Mr.R. Murthi
Government Advocate for R2



W.P. No.7926 of 2026

ORDER

WEB COPY The writ petition has been filed challenging the order dated 02.08.2024 passed by the 2nd respondent in Approval Petition No.50 of 2022 filed under Section 33(2)(b) of the Industrial Disputes Act.

2. The case of the petitioner Corporation is that the 1st respondent was appointed as a Driver on 05.09.2017 at the Vridhachalam Branch. At the time of appointment, the 1st respondent had produced certain educational certificates, including an 8th standard certificate. Subsequently, the said certificate was sent for verification and, upon verification, the competent educational authority reported that the certificate was bogus. Based on the same, a charge memo dated 08.02.2021 was issued to the 1st respondent alleging submission of a bogus educational certificate at the time of appointment.

3. In the meantime, a criminal case was also registered against the 1st respondent in Crime No.27 of 2021 on the file of Vridhachalam Police for offences under Sections 182, 465, 468, 471 and 420 IPC.

4. The 1st respondent submitted his explanation on 18.10.2021. Thereafter being unsatisfied with the explanation, a domestic enquiry was conducted. The Enquiry Officer, by report dated 20.12.2021, held the charges as proved. Thereafter, a second show cause notice dated 27.12.2021 was issued, to which the 1st respondent submitted his further explanation on 18.01.2022. Not being



W.P. No.7926 of 2026

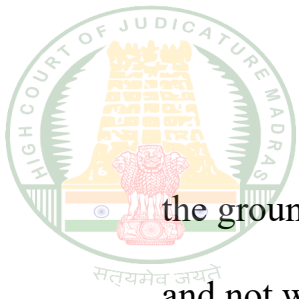
satisfied with the same, the petitioner Corporation dismissed the 1st respondent from service by order dated 28.02.2022.

WEB COPY

5. Thereafter, the petitioner Corporation filed Approval Petition No.50 of 2022 under Section 33(2)(b) of the Industrial Disputes Act before the 2nd respondent. The said approval petition was rejected by the 2nd respondent vide its order dated 02.08.2024 on the filmsy ground. Challenging the said rejection order dated 02.08.2024, the present writ petition has been filed.

6. Learned counsel for the petitioner Corporation submitted that the 1st respondent was dismissed from service on 28.02.2022 after a full-fledged domestic enquiry in which the charges were held proved. He further submitted that without considering the documents marked as Exs.M1 to M10, the 2nd respondent has erroneously come to the conclusion that enquiry proceedings were not marked to ascertain the proper conduct of the enquiry. It is the further argument that the approval petition was filed on 04.03.2022 and that any marginal delay in filing the petition was only due to administrative reasons, which ought not to have been held against the petitioner.

7. Learned counsel would contend that the authority erred in rejecting the approval petition on technical grounds without considering the merits of the misconduct, especially when the charge of submitting a bogus certificate is grave in nature. He also submitted that the rejection of the approval petition on



W.P. No.7926 of 2026

the ground of delay is unsustainable, as the delay, if any, was properly explained and not wilful. Hence, the learned counsel prayed for setting aside the impugned order and for granting approval to the dismissal order.

8. Heard the learned counsel for the petitioner. Though the name of the 1st respondent was printed in the cause list, today, there was no representation on behalf of the 1st respondent. Therefore, this Court proceeds to decide the matter on the basis of the available records.

9. Learned Government Advocate appearing for the 2nd respondent submitted that it is necessary to file enquiry proceedings but the petitioner failed to produce the same before the 2nd respondent and that there was a delay, which is non-est in law. He further submitted that the allegations levelled against the 1st respondent was that the 1st respondent has submitted educational certificates of bogus in nature and thereby the petitioner Corporation had dismissed him from service, for which, proper supporting papers have not been filed before the 2nd respondent. In the light of the above, he prayed for issuance of appropriate directions.

10. This Court has carefully considered the submissions made by the learned counsel for the petitioner as well as the 2nd respondent and perused the records.



W.P. No.7926 of 2026

11. It is not in dispute that the 1st respondent was appointed as a Driver in the year 2017 and had submitted certificates at the time of appointment.

However, the petitioner Corporation has not raised any issue regarding the certificates for a considerable period. The primary allegation against the 1st respondent is that the 8th standard certificate submitted by him was bogus. Though it is stated that the certificate was verified through the educational authorities, no material evidence or report of the competent authority has been produced either before the Enquiry Officer or before the approval authority to substantiate the said claim.

12. This Court is of the considered view that in the absence of any evidence establishing that the certificate is bogus, the finding of the Enquiry Officer cannot be sustained and the consequential order of dismissal is seems to be perverse.

13. Further, as rightly held by the learned Government Advocate appearing for the 2nd respondent, the approval petition under Section 33(2)(b) of the Industrial Disputes Act ought to have been filed simultaneously with the order of dismissal. In the present case, there is no proper explanation for the delay in filing the approval petition. Even in the writ petition, no specific grounds have been raised explaining such delay, though while arguing the case,



W.P. No.7926 of 2026

it is submitted by the learned counsel for the petitioner that the delay is due to administrative reasons.

WEB COPY

14. In view of the above, this Court finds no infirmity in the order passed by the 2nd respondent warranting interference under Article 226 of the Constitution of India. Therefore, this Court is not inclined to entertain the claim of the petitioner and the same is negatived.

15. Considering the facts and circumstances of the case and the nature of the allegations, this Court is inclined to issue a direction to the petitioner Corporation to reinstate the 1st respondent into service without back wages. The 1st respondent shall, however, be entitled to continuity of service and all other attendant benefits.

16. With the above observations and directions, this writ petition stands disposed of. No costs.

08.04.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2



WEB COPY



W.P. No.7926 of 2026

M. DHANDAPANI, J.

vsi2

To
The Special Joint Commissioner of Labour
DMS Campus
Teynampet Chennai-600 006.

W.P. No.7926 of 2026
and
W.M.P. No.8596 of 2026

08.04.2026