



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2021

WEB COPY

CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3154 of 2014

The Management,
Tamilnadu State Transport Corporation,
(Kumbakkonam Division - II) Ltd.,
Periyamilaguparai,
Trichirappalli - 620 011.

... Petitioner

Vs.

1. The Joint Commissioner of Labour,
(Conciliation) (i/c)
D.M.S. Compound,
Chennai 600 018.

2. S.Thangaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records of the 1st Respondent made in A.P.No.451 of 2003, dated 27.03.2013 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

For Petitioner : Mr.L.Ramanathan,
for Mr.D.Venkatachalam

For 2nd Respondent : Mr.V.Ajoy Khose

O R D E R

Petitioner/Transport Corporation has come up with this Writ Petition challenging the order dated 27.03.2013 passed by the 1st Respondent in rejecting their Approval Petition in A.P.No.451 of 2003, dismissing the 2nd Respondent/employee from service.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. It is seen that, the Approval Petition has been rejected on two grounds. Firstly, eye-witness has not been examined and secondly, the Report of A.W.1 is only based on



hearsay evidence. This Court is of the view that, the said rejection cannot be accepted and even hearsay evidence is permissible. However, the stand taken by the employer before the Motor Accidents Claims Tribunal and the one taken before the Labour Court are completely different and the Authority was right in rejecting the Approval Petition.

4. In view of the above, the Petitioner/Transport Corporation is expected to settle all the benefits due to the 2nd Respondent/employee within a period of four months from the date of receipt of a copy of this order.

The Writ Petition is dismissed with the above direction. No costs. Consequently,

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

(aeb)

To:
The Joint Commissioner of Labour,
(Conciliation) (i/c)
D.M.S. Compound,
Chennai 600 018.

+1cc to Mr.D.Venkatachalam, Advocate SR.No. 37092
+1cc to Mr.V.Ajoy Khose , Advocate SR.No. 37162

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KV(CO)
A.SK(20.09.2021)