



W.P(MD)No.18198 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.18198 of 2022

and

WMP (MD) No.13264 of 2022

The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Rep.by its General Manager
Karaikudi Region
Marudhupathi, Managiri,
Karaikudi – 630 307.

... Petitioner(s)

vs.

1. The Special Joint Commission of Labour
(Conciliation Officer Under I.D Act)
O/o. Joint Commissioner of Labour,
Chennai -6.

2.E.Pandiya Rajan

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India,
praying this court to issue a Writ of Certiorarified Mandamus, to call for the



W.P(MD)No.18198 of 2022

WEB COPY

records with respect to the Impugned Order passed by the 1st Respondent in A.P.No.84/2019 dated 19.04.2022 and to quash the same as illegal.

For Petitioner : Mr. P. Balasubramanian
For R1 : Mr.R.Ramasamy, Counsel for State
For R2 : Mr.A.Ramesh

ORDER

Challenging the impugned order dated 19.04.2022 passed by the first respondent, the present writ petition has been filed by the petitioner.

2. The case of the petitioner/Transport Corporation is that the respondent was employed as a Conductor in the petitioner Transport Corporation. On 28.03.2018, while the respondent was on duty in Bus No. TN-63 N 1244, plying from Sivagangai to Puliyadithambam, he collected a total sum of Rs.100/- from five passengers travelling on the said route but failed to issue tickets to them. During a surprise inspection, the Checking Inspector detected the irregularity. Statements were recorded from the passengers who confirmed that



W.P(MD)No.18198 of 2022

WEB COPY

they had paid the fare but had not been issued tickets. Based on the inspection report, a charge memo dated 29.03.2018 was issued to the respondent. After conducting a full-fledged domestic enquiry and finding the charges proved, the disciplinary authority passed an order of dismissal on 02.03.2019. Since an industrial dispute concerning the respondent was already pending, the petitioner Corporation, on the very same day, paid one month's wages to the respondent and filed an approval petition under Section 33(2)(b) of the Industrial Disputes Act before the Labour Court by Registered Post. The order of dismissal was also dispatched to the respondent on the very same day. However, the Labour Court rejected the approval petition on the ground that there was delay in filing the petition and also observed that the passengers had not been examined before the Enquiry Officer. Aggrieved over the same, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner/Transport Corporation would submit that the finding of delay is factually incorrect. To establish the same, the petitioner has produced the postal receipt before this Court, which clearly shows that both the approval petition and the dismissal order were



W.P(MD)No.18198 of 2022

WEB COPY

dispatched on 02.03.2019, i.e., on the very date of dismissal. It is further submitted that the petitioner has fully complied with the mandatory requirements under Section 33(2)(b) of the Industrial Disputes Act, namely, passing the dismissal order, paying one month's wages and filing the approval petition simultaneously without delay.

4. The learned counsel placed reliance upon the judgment of the Hon'ble Supreme Court in ***Lalla Ram v. D.C.M. Chemical Works Ltd.***, reported in AIR 1978 SC 1004, wherein it has been held that, while considering an approval petition under Section 33(2)(b), the Labour Court is only required to examine whether a proper domestic enquiry was conducted; a *prima facie* case is made out; one month's wages were paid and the approval petition was filed simultaneously with the order of dismissal. However, in the present case, the Labour Court rejected the approval petition solely on the ground that it had not been filed within a short period of time. The learned counsel further placed reliance upon the judgment of a Division Bench of this Court dated 29.02.2024, wherein the writ appeal filed by the Transport Corporation on the very same issue was allowed. Therefore, it was contended that the impugned order rejecting the



W.P(MD)No.18198 of 2022

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5. Per contra, learned counsel appearing for the respondent-workman would submit that the charges were not proved in the domestic enquiry. The passengers, who were the material witnesses, were not examined before the Enquiry Officer. Hence, the enquiry suffered from violation of the principles of natural justice. It is further submitted that the approval petition was not filed simultaneously with the dismissal order and therefore, the mandatory requirements under Section 33(2)(b) were not complied with. The Labour Court has rightly rejected the approval petition and the same does not warrant interference.

6. After hearing the learned counsel on either side, this Court is of the view that the Labour Court has travelled beyond the limited scope of enquiry under Section 33(2)(b) of the Industrial Disputes Act. Since the petitioner has produced materials to show that the approval petition was filed on the very date of dismissal and the statutory requirements have been complied with, the impugned order is liable to be set aside.



W.P(MD)No.18198 of 2022

WEB COPY

7. In the result, the writ petition is allowed and the order dated 19.04.2022 passed by the Labour Court is set aside. Liberty is granted to the respondent-workman to raise an industrial dispute challenging the order of dismissal, if so advised. No costs. Connected miscellaneous petition is closed.

15.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

To

The Special Joint Commission of Labour
(Conciliation Officer Under I.D Act)
O/o. Joint Commissioner of Labour,
Chennai -6.



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W.P(MD)No.18198 of 2022

M.DHANDAPANI,J.

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**ORDER MADE IN
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DATED : 15.07.2026