



**W.P(MD)No.18060 of 2026**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 23.07.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)No.18060 of 2026**

**and**

**WMP (MD) No.13379 of 2026**

The Management  
Tamil Nadu State Transport Corporation  
(Madurai) Limited,  
Dindigul Region,  
Bye-pass Road,  
District Collector Office Post,  
Dindigul – 624 004.

... Petitioner(s)

VS.

1. The Special Joint Commissioner of Labour,  
Chennai-6.

2. G Krishnakumar  
Conductor-65137

... Respondent(s)

**PRAYER :** Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records on the files of the 1st respondent pertaining to its proceedings AP.No.83 of 2023 dated 10.09.2024 and quash the same.

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For Petitioner : Mr.SC.Herold Singh  
For R1 : Ms.K.Shivashankari, Counsel for State  
For R2 : Mr.M.Sivakumar

### **ORDER**

This Writ Petition has been filed challenging the award dated 10.09.2024 passed by the first respondent in A.P.No.83 of 2023 and seeking to quash the same as being illegal.

2. The learned Standing Counsel appearing for the petitioner Corporation submitted that the second respondent/workman was appointed as a Conductor in the petitioner Corporation on 06.08.2007. While he was in service, he remained absent from duty unauthorisedly from 24.07.2021 without obtaining prior leave or permission. Consequently, a charge memo dated 28.09.2021 was issued. Since the second respondent failed to submit any explanation, a notice dated 21.09.2022 was issued and a domestic enquiry was commenced on 03.10.2022. The Enquiry Officer, after conducting the enquiry in accordance with the principles of natural justice, submitted his report holding the charges as



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proved. A copy of the enquiry report was furnished to the second respondent on 27.10.2022, to which he submitted his explanation on 01.11.2022. As the explanation was found to be unsatisfactory, a second show cause notice dated 22.12.2022 proposing the punishment of dismissal, together with the details of his earlier misconducts and punishments, was issued. Thereafter, by order dated 22.05.2023, the second respondent was dismissed from service. Simultaneously, one month's wages, as contemplated under Section 33(2)(b) of the Industrial Disputes Act, 1947, were paid and Approval Petition No.83 of 2023 was filed before the first respondent seeking approval of the order of dismissal.

3. The learned Standing Counsel further submitted that the first respondent, after considering the materials available on record, categorically found that the domestic enquiry was conducted in a fair and proper manner, that the principles of natural justice were duly complied with, that a *prima facie* case of misconduct had been established against the second respondent and that there was no unfair labour practice on the part of the petitioner Corporation. The first respondent also recorded a finding that one month's wages had been paid to the workman. However, the Approval Petition came to be rejected solely on the



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ground that the order of dismissal was passed on 22.05.2023, whereas the approval application was presented on 01.06.2023, holding that the requirement of simultaneous filing under Section 33(2)(b) of the Industrial Disputes Act had not been complied with. According to the learned Standing Counsel, the said finding is contrary to the settled principles of law and therefore, the impugned order is liable to be set aside.

4. Per contra, the learned counsel appearing for the second respondent/workman supported the impugned order and submitted that the mandatory requirements under Section 33(2)(b) of the Industrial Disputes Act had not been strictly complied with by the petitioner Corporation. According to him, though the order of dismissal and payment of one month's wages were made on 22.05.2023, the approval petition was presented only on 01.06.2023. Since the application for approval was not filed simultaneously with the order of dismissal, the first respondent rightly rejected the Approval Petition. Hence, he prayed for dismissal of the writ petition.



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5. The learned counsel further submitted that mere delay in raising an industrial dispute would not by itself disentitle a workman to relief unless the employer establishes that such delay has caused serious prejudice. In the present case, no prejudice has been demonstrated by the petitioner Corporation. Therefore, the contention regarding delay is liable to be rejected. Accordingly, he prayed for dismissal of the Writ Petition.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. The only ground on which the Approval Petition came to be rejected is that the order of dismissal was passed on 22.05.2023, whereas the Approval Petition was filed on 01.06.2023. The impugned order has been passed solely on the technical ground of delay in presenting the Approval Petition. In the present case, the disciplinary authority, after conducting a fair domestic enquiry and considering the entire facts and circumstances, imposed the punishment of dismissal from service. Mere presentation of the Approval Petition after a short interval, by itself, would not render the application not maintainable, particularly



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when the mandatory requirements under Section 33(2)(b) of the Industrial Disputes Act have otherwise been complied with. Such interference is unwarranted and cannot be sustained.

8. Though the issue before this Court is with regard to the rejection of the Approval Petition, however, considering the overall facts and circumstances of the case, the fact that remanding the matter back to the Labour Court for fresh consideration will consume more time and balancing the interests of both parties, and also considering the fact that for the allegation as against the second respondent, an order of dismissal passed is highly disproportionate, applying the ratio of Prem Nath Bali v. High Court of Delhi reported in 2015 (16) SCC 415, and exercising extraordinary powers under Article 226 of the Constitution of India, this Court is of the view that the ends of justice would be met by modifying the punishment. Accordingly, the punishment of dismissal from service is modified as stoppage of increment for two years without cumulative effect. However, the second respondent is not entitled for backwages from the date of dismissal to till date, whereas he is entitled for continuity of service and other benefits.



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9. The writ petition is partly allowed to the above extent. No costs.

Consequently, the connected miscellaneous petition, if any, is closed.

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

To

The Special Joint Commissioner of Labour,  
Chennai-6.



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**M.DHANDAPANI,J.**

PKN

**ORDER MADE IN  
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