



W.P(MD)No.17629 of 2023

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.17629 of 2023

and

WMP (MD) No.14734 of 2023

The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Zone,
Trichy District – 620 001.

... Petitioner(s)

vs.

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

2.P.Palanichamy

... 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 A.P. No.116 of 2019 dated 27.02.2023 and quash the same.

For Petitioner	: Mr.S.C.Herold Singh
For R1	: Mr.M.Mahaboob Athiff, Counsel for State
For R2	: Mr.K.Guhan



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ORDER

Challenging the dismissal order of the approval petition dated 27.02.2023, the Management Transport Corporation has filed the present writ petition.

2. The learned counsel appearing for the petitioner Transport Corporation submitted that the second respondent was appointed as a Driver in the petitioner Transport Corporation in the year 2009 and his services were regularised in 2010. While in service, the second respondent remained unauthorisedly absent during the period from 20.10.2014 to 08.10.2017 and thereby, disciplinary proceedings were initiated against him. After conducting a domestic enquiry and affording due opportunity, the disciplinary authority passed an order of dismissal from service on 28.08.2019. On the very same day, the petitioner Corporation filed an approval petition under Section 33(2)(b) of the Industrial Disputes Act before the Labour Court. However, the Labour Court rejected the approval petition on the ground that the domestic enquiry was not fair and proper and that the principles of natural justice had been violated. According



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to the petitioner, the said finding is contrary to the settled principles laid down by the Hon'ble Supreme Court in *Lalla Ram v. D.C.M. Chemical Works Ltd.*, reported in *AIR 1978 SC 1004*, which prescribes the limited scope of enquiry in an approval petition under Section 33(2)(b). Accordingly, the petitioner prayed for allowing the writ petition.

3. Per contra, the learned counsel appearing for the second respondent submitted that even assuming the domestic enquiry was otherwise proper, the mandatory requirement of filing the approval petition simultaneously with the order of dismissal was not complied with. Though the dismissal order was passed on 28.08.2019, the approval petition was presented only on 03.09.2019, resulting in a delay of about six days. The said delay was neither explained nor condoned. Therefore, the approval petition itself was not maintainable and hence, the ultimate conclusion of the Labour Court does not warrant interference. Though the Labour Court rejected the approval petition on a different ground, however the learned counsel for the second respondent submitted that this Court may not grant continuity of service and back wages from 20.10.2014 to 08.10.2017 and without back wages from the date of dismissal till



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4. Having considered the rival submissions and the materials available on record, this Court is of the considered view that the second respondent shall not be entitled to continuity of service or back wages for the period of unauthorised absence from 20.10.2014 to 08.10.2017. However, the second respondent shall be entitled to continuity of service for the period from 28.08.2019, being the date of dismissal, till the date of reinstatement, for all service and retiral benefits. Nevertheless, the second respondent shall not be entitled to any back wages for the period from 28.08.2019 till the date of reinstatement.

5. Accordingly, the writ petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2026

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



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To

The Special Joint Commissioner of Labour,
Chennai - 6.



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M.DHANDAPANI,J.

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**ORDER MADE IN
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