



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.2 of 2015
and M.P.No.1 of 2015

The Managing Director,
Metropolitan Transport Corporation,
(Chennai) Ltd.,
Pallavan Illam,
Anna Salai,
Chennai - 600 002.

...Petitioner

Vs

1. N.Prabhakaran

2. The Presiding officer,
III Additional Labour Court,
City Civil Court Annexure Buildings,
High court Compound,
Chennai - 600 104.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Certiorari or any other appropriate Writ, order or direction of like nature calling for the records pertaining to the order dated 28.04.2014 made in I.D.No.712 of 2010 on the file of the 2nd Respondent herein and quash the same.

For Petitioner : Mr.M.Chidambaram

For R1 : Ms.Porkodi
for Mr.V.Ajay Khose

For R2 : Labour Court

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorari or any other appropriate Writ, order or direction of like nature calling for the records pertaining to the order dated 28.04.2014 made in I.D.No.712 of 2010 on the file of the 2nd Respondent herein and quash the same.

2. The first respondent herein while serving as a driver in the petitioner corporation, was terminated from his services on 19.09.2008. During the time of termination, a conciliation



proceeding was pending. However, the petitioner had not sought for the approval of the concerned authority before passing the order of termination, as contemplated under Section 33(2)(b) of the Industrial Dispute Act, 1947. It is on this ground that the Labour Court had allowed the petition filed by the first respondent herein, by directing the Corporation to reinstate the petitioner, together with continuity of service, backwages and other attendant benefits.

3. At the outset, I do not find any infirmity in the reasons assigned by the Labour Court in the impugned award dated 28.04.2014, since Section 33(2)(b) of the Act mandates for pre-approval of the concerned authority before discharging a workman when conciliation proceedings are pending. This legal proposition has been ratified in various decisions of the High Courts, as well as the Hon'ble Supreme Court, including the decision in ''Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd., Vs. Ram Gopal Sharma and others'' reported in [2002 2 SCC 244] and hence, I do not find any reason to interfere with the impugned award of the Labour Court.

4. As such there are no merits in the present Writ Petition, accordingly, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

5. It is needless to point out that, in view of the dismissal of the present Writ Petition, the first respondent herein would be entitled for all the services and other monetary benefits, as if he was never terminated from his services.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gd

To

The Presiding officer,
III Additional Labour Court,
City Civil Court Annexure Buildings,
High court Compound,
Chennai - 600 104.

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.64475

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.64722

W.P.No.2 of 2015

VG-II(CO)
SB(04/01/2022)