



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.24613 of 2019

The Management,  
Tamil Nadu State Transport Corporation  
(Salem) Limited,  
12, Ramakrishna Salai,  
Salem - 7.

... Petitioner

vs.

1. C.Iyandhurai

2. The Special Deputy Commissioner of Labour,  
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, calling for the records relating to the order dated 11.01.2019 passed by the 2<sup>nd</sup> Respondent in A.P.No.310 of 2014 and to quash the same.

For Petitioner : Mr.D.Raghu  
For 1<sup>st</sup> Respondent : Mr.V.Ajoy Khose

#### O R D E R

Petitioner/Transport Corporation has come up with this Writ Petition challenging the order dated 11.01.2019 passed by the 2<sup>nd</sup> Respondent/Authority in A.P.No.310 of 2014.

2. It is seen that, the 2<sup>nd</sup> Respondent/Authority has rejected the Approval Petition filed by the Petitioner/Transport Corporation on the ground that, there is shortfall in the payment of one month salary to the employee and that, there is a delay of 8 days in filing the Approval Petition.

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

4. Rejection of Approval Petition on the ground that, there is shortfall in payment of one month salary cannot be accepted, as pay revision takes place retrospectively. Insofar as the delay of eight days in filing the Approval Petition is



concerned, the Authority has rightly rejected the Petitioner's Approval Petition, as a reading of Section 33(2)(b) of the Industrial Disputes Act, 1947 read with Rule 64(2) of the Industrial Disputes Rules, 1958, makes it clear that, an Application seeking approval of dismissal of the employee needs to be served on the employee and simultaneously, it has to be filed before the Authority. Otherwise, the Approval Petition cannot be entertained.

5. In view of the above, this Court does not find any reason to interfere with the order dated 11.01.2019 passed by the 2<sup>nd</sup> Respondent/Authority in dismissing the Petitioner's Approval Petition No.310 of 2014.

6. It is made clear that, the 1<sup>st</sup> Respondent/employee will be entitled to all the monetary benefits due to him and the Petitioner/Transport Corporation is expected to extend the same within a period of four months from the date of receipt of a copy of this order.

In fine, the Writ Petition stands dismissed. No costs. Consequently, connected W.M.P.No.24273 of 2019 is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Special Deputy Commissioner of Labour,  
Chennai.

+1cc to Mr.D.Raghu, Advocate, S.R.No. 37479

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.37156

W.P.No.24613 of 2019

BR(CO)  
GN(20/09/2021)