



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.Nos.25236, 25237, 25240, 25241, 25243, 25244 of 2015
and
M.P.Nos.1,1,1,1,1,1 of 2015

The Management of Metropolitan
Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai 600 002.

...Petitioner in All Wps

Vs

1. The Special Deputy Commissioner of Labour,
D.M.S Compound,
Chennai.

...1st Respondents in All WPs

2. M.Arumugam	...2 nd Respondent in W.P.No.25236 of 2015
V. Angamuthu	...2 nd Respondent in W.P.No.25237 of 2015
D. Palanivel	...2 nd Respondent in W.P.No.25240 of 2015
K. Ramdoss	...2 nd Respondent in W.P.No.25241 of 2015
S.Somasundaram	...2 nd Respondent in W.P.No.25243 of 2015
Ravikumar	...2 nd Respondent in W.P.No.25244 of 2015

Prayer in W.P.No.25236 of 2015: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records of the order passed by the 1st respondent in Approval Petition in A.P.No.549 of 2011 dated 22.08.2013 and to quash the same as illegal.

Prayer in W.P.No.25237 of 2015: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records of the order passed by the 1st respondent in Approval Petition in A.P.No.500 of 2011 dated 19.08.2013 and to quash the same as illegal.

Prayer in W.P.No.25240 of 2015: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of



Certiorari, to call for the records of the order passed by the 1st respondent in Approval Petition in A.P.No.557 of 2011 dated 23.07.2013 and to quash the same as illegal.

Prayer in W.P.No.25241 of 2015: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records of the order passed by the 1st respondent in Approval Petition in A.P.No.499 of 2011 dated 22.08.2013 and to quash the same as illegal.

Prayer in W.P.No.25243 of 2015: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records of the order passed by the 1st respondent in Approval Petition in A.P.No.564 of 2011 dated 25.07.2013 and to quash the same as illegal.

Prayer in W.P.No.25244 of 2015: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records of the order passed by the 1st respondent in Approval Petition in A.P.No.558 of 2011 dated 23.07.2013 and to quash the same as illegal.

For Petitioner : Mr.K.Moorthy

For Respondents : Mr.L.S.M.Hasan Fizal, AGP for R1
Mr.S.T.Varadarajulu for R2

C O M M O N O R D E R

These writ petitions have been filed to call for the records of the order passed by the first respondent in approval petitions in A.P.Nos. 549, 500, 557, 499, 564, 558 of 2011 dated 22.08.2013, 19.08.2013, 23.07.2013, 22.08.2013, 25.07.2013, 23.07.2013, respectively and to quash the same as illegal.

2.The case of the petitioner Corporation is that the first respondent has rejected the approval petitions filed by the petitioner Corporation seeking approval of the authority for dismissal of the second respondent workmen in all writ petitions from service.

3.The approval has been sought since there was a dispute pending before the first respondent authority and hence, while passing the order of dismissal, approval become necessary under Section 33(2) (B) of the Industrial Disputes Act, 1947.

4.The first respondent authority, while considering the approval petitions, has held every issue against the petitioner



Corporation and ultimately rejected the approval petitions. According to the learned authority, no proper domestic enquiry was conducted by following the principles of natural justice. In view of the finding that no domestic enquiry at all was conducted, the consequent dismissal of the workmen amounted to unfair labour practice.

5.The authority further held that the payment of one month wages which was a mandatory requirement in law which has not been complied with at the time of dismissal of the workmen, on this account also, the authority has held that the approval could not be granted. As a matter of fact, the approval petitions itself have been filed after a period of three years which is in violation of the mandatory provisions of the Industrial Disputes Act. The defect was found to be incurable and on that ground also, the approval petitions came to be rejected. The order of dismissal of the workmen had been passed in the year 2007 and 2008 and the approval petitions have been filed in the year 2011, after a period of three years and therefore, there was a further violation of the mandatory provisions of the Industrial Disputes Act.

6.For all the above said reasons, the approval petitions filed by the petitioner Corporation came to be dismissed. As against that, the present writ petition has been filed.

7.The learned counsel for the petitioner Corporation has attempted to draw the attention of this Court to various facts that led to the dismissal of the approval petitions. This Court is unable to countenance the attempt made by the learned counsel for the simple reason that the findings by the first respondent authority were based on the indisputable facts which are borne out by records.

8.The first respondent authority has correctly rejected the approval petitions as the defects that were the basis of consideration, were incurable and there cannot be any justification on the part of the petitioner Corporation for condoning the defects.

9.The grounds on which, the approval petitions came to be rejected are perfectly in order and the same do not call for any interference of this Court. The learned first respondent authority has followed the legal principles laid down by the Hon'ble Supreme Court and also the mandatory and the relevant provisions of the Industrial Disputes Act.

10. Finding no infirmity in the order passed by the first respondent authority, this Court is of the view that all the writ petitions are devoid of merits and substance and the same



are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gsk

To

The Special Deputy Commissioner of Labour,
D.M.S Compound,
Chennai.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.11121

+6cc to Mr.K.Moorthy, Advocate, S.R.No.11058,11059, 11060
11061,11062, 11063

+1cc to the Government Pleader, S.R.No.11526

W.P.Nos.25236, 25237, 25240,
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and
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SPD(CO)
RGA(17/03/2022)