



W.A.No.1324 OF 2022

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THE HON'BLE CHIEF JUSTICE
and
N.MALA,J.

(Order of the Court was made by the Hon'ble Chief Justice)

The writ appeal has been filed challenging the order dated 07.12.2021 whereby the writ petition preferred by the petitioner/appellant challenging the award of the Labour Court dated 28.04.2014 was dismissed. It was for the reason that despite pendency of the dispute before the Conciliation Officer, the application to seek approval of the order of dismissal by making an application under Section 33(2)(b) of the Industrial Disputes Act, 1947 was not moved by the appellant despite being mandatory. The issue aforesaid is covered by the judgment of the Apex Court in the case of **Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd. vs. Ram Gopal Sharma and others (2002 (2) SCC 244)**.

2. In view of the above, we do not find any error in the judgment dismissing the writ petition preferred by the writ appellant, rather, the matter is squarely covered by the judgment of



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the Apex Court in the case supra wherein it was held that if application under Section 33(2)(b) of the I.D. Act is not filed, the order of the dismissal of the employee would become illegal. Accordingly, the writ appeal is dismissed with liberty to the Corporation to take action afresh, if it so chooses.

(M.N.B., CJ.) (N.M., J.)
28.06.2022

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