



W.A.No.1559 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2022

CORAM :

**THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

W.A.No.1559 of 2022 and

C.M.P. No.10270 of 2022

The Management,
Tamil Nadu State transport
Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
New Railway Station Road,
Kumbakonam – 612 001.
in all WAs

... Appellant

v.

1. The Special Deputy Commissioner of Labour,
DMS Compound,
Chennai.

2. R.S. Pandiyan

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 30.07.2021 passed in W.P.No.1526 of 2017.

For Appellant : Mr.D.Venkatachalam



W.A.No.1559 of 2022

WEB COPY

JUDGMENT

(Judgment was delivered by M. DURAISWAMY, J.)

Challenging the order passed by the learned Single Judge dated 30.07.2021 in W.P.No.1526 of 2017, the Transport Corporation has filed the above Writ Appeal.

2. The Transport Corporation has filed the Writ Petition in W.P. No.1526 of 2017 to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 03.06.2016 passed by the 1st respondent in Approval Petition No.247 of 2014, to quash the same and consequently direct the 1st respondent to approve the order of the petitioner dated 18.09.2014, dismissing the 2nd respondent from service.

3. On a perusal of the materials available on record, it could be seen that the employer should file the Approval Petition simultaneously, however, in the case on hand, the petitioner took 98 days to file the Approval Petition before the 1st respondent. The delay in filing the Approval Petition is contrary to the ratio laid down by the Hon'ble



W.A.No.1559 of 2022

WEB COPY

Supreme Court in the Judgment reported in **1962 (1) LLJ 420 [Strawboard Manufacturing Compnay v. Gobind]** wherein it has been held that the the word "simultaneously" must of course be taken reasonably and a notion of split-second timing should not be imported. It should be done at once and without delay. The learned Single Judge, taking into consideration the ratio laid down by the Hon'ble Supreme Court, dismissed the Writ Petition.

4. It is settled position of law that the word "simultaneously" must of course be taken reasonably and a notion of split-second timing should not be imported. It should be done at once and without delay. In the case on hand, the Management took 98 days to file the Approval Petition, which is contrary to the ratio laid down by the Hon'ble Supreme Court in the Judgment reported in **1962 (1) LLJ 420 [cited supra]**.

5. We do not find any error or irregularity in the order passed by the learned Single Judge. The Writ Appeal is devoid of merits and the same is dismissed. No Costs. Consequently, the connected



W.A.No.1559 of 2022

Miscellaneous Petition is closed.

WEB COPY

[M.D., J.] [S.M., J.]
18.07.2022

Index : Yes/No

Speaking Order/Non Speaking Order

Rj

To

The Special Deputy Commissioner of Labour,
DMS Compound,
Chennai.

M. DURAISWAMY, J.
and
SUNDER MOHAN, J

Rj



WEB COPY



W.A.No.1559 of 2022

**W.A.No.1559 of 2022 and
C.M.P. No.10270 of 2022**

18.07.2022