



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28976 of 2018
and
W.M.P.No.33870 of 2018

The Management
Tamil Nadu State Transport Corporation (Salem) Limited,
Bharathipuram,
Salem Main Road,
Dharmapuri – 5.

... Petitioner

Vs.

1.Mr.C.Murugesan

2.The Special Deputy Commissioner of Labour
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the order dated 12.09.2017 passed by the Special Deputy Commissioner of Labour, Chennai in A.P.No.486 of 2012 and to quash the same.

For Petitioner : Mr.R.Babu

For R1 : Mr.M.A.Sivakumaran
For Mr.K.M.Venugopal

For R2 : Mr.S.Rajesh



WEB COPY

W.P.No.28976 of 2



ORDER

The order passed by the 2nd respondent / Special Deputy Commissioner of Labour under Section 33(2)(B) of the Industrial Disputes Act is under challenge in the present writ petition.

2. The petitioner / Mangement, Tamil Nadu State Transport Corporation Limited (Salem) filed an affidavit before the 2nd respondent for grant of approval.

3. The learned counsel for the petitioner / Management made a submission that the petition was rejected on the ground of delay of seven days in filing the approval petition.

4. This Court is of the considered opinion that such meagre delay could not be a ground to deny an opportunity to the parties to adjudicate the issues on merits and in accordance with law. Delay of seven days cannot be considered as claim for the purpose of rejection of application and this Court is inclined to condone the delay and remand the matter back for adjudication of issues between the parties.



WEB COPY

5. Accordingly, the order impugned dated 12.09.2017 passed by the Special Deputy Commissioner of Labour, Chennai in A.P.No.486 of 2012 stands quashed and the matter is remanded back to the 2nd respondent for fresh adjudication of issues on merits and in accordance with law by affording opportunities to the parties and by following the procedures as contemplated as expeditiously as possible within a period of six (6) months from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stand allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

18.10.2022

Jeni
Index : Yes
Speaking order

To

The Special Deputy Commissioner of Labour
Chennai – 600 006.



WEB COPY



W.P.No.28976 of 2

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.28976 of 2018

18.10.2022