



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.16778 of 2021

K.Katturaja

... Petitioner

vs.

1.The Government of Tamil Nadu
rep.by Secretary to Government
Transport Department
Fort St.George, Chennai-600 002

2.State Express Transport
Corporation (Tamilnadu) Ltd.,
Chennai-2
rep.by its Managing Director

3.The General Manager
State Express Transport
Corporation (Tamilnadu) Ltd.,
Pallavan Salai, Chennai-2

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents herein to reinstate the petitioner with continuity of service with backwages and all other monetary and service benefits since they have not got the mandatory approval under Section 33(2)(b) of the Industrial Disputes Act, 1947.

For Petitioner : Mr.Kannan.V.

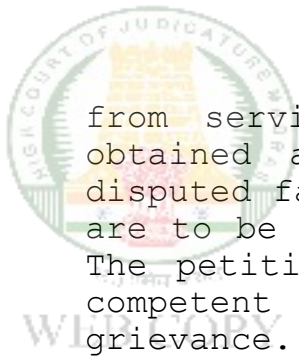
For Respondents : Mr.D.S.Nedunchezian
Government Advocate for R1

Mr.K.Sathyasingh for R2 & R3

O R D E R

The relief sought for in this writ petition is to direct the respondents to reinstate the petitioner into service with continuity of service and backwages, since the respondent Management has not obtained mandatory approval under Section 33(2)(b) of the Industrial Disputes Act, 1947 (for brevity "the Act").

2. Admittedly, the petitioner is a workman under the Act. A criminal case was registered against him under Section 302 I.P.C. and he was in prison for about three years. However, the learned counsel for the petitioner states that no final order of dismissal



from service has been passed by the respondent, nor they have obtained approval under Section 33(2)(b) of the Act. Several disputed facts are placed before this Court and those disputed facts are to be adjudicated with reference to the documents and evidence. The petitioner being a workman under the Act has to approach the competent Labour Court for the purpose of redressal of his grievance. High Court cannot conduct a roving enquiry in respect of such disputed facts. Even in the prayer, the petitioner has stated that no mandatory approval has been obtained by the respondent Management under Section 33(2)(b) of the Act for dismissal of the employee. Such issues are to be adjudicated by the Labour Court by affording due opportunity to all the parties. This being the procedures to be followed, the petitioner is at liberty to approach the competent Labour Court for the purpose of redressal of his grievance in the manner known to law. In the event of any such approach by the petitioner, the Labour Court concerned shall take into consideration the period during which the writ petition was pending before this Court for the purpose of condoning the delay and decide the issues on merits and in accordance with law as expeditiously as possible.

3. With the above observations and directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To:

The Secretary to Government,
Transport Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 002.

+1 CC to M/s.K. SATHIYA SINGH, Advocate (SR-18489[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18589[F] dated 13/04/2022)

W.P. (MD) No.16778 of 2021

12.04.2022

RK(20/04/2022) 2P 4C