



WEB COPY



W.A.No.639 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.No.639 of 2023 and
C.M.P.No.6327 of 2023

The Management,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
27, Railway Station New Road,
Kumbakonam-612 001.

.. Appellant

-VS-

1. G.Mohan

2. The Special Joint Commissioner of Labour,
DMS Campus, Anna Salai, Chennai.

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order
dated 04.07.2022 passed by this Court in W.P.No.16863 of 2022.

For Appellant : Mr.S.Sathyagandhi



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JUDGMENT

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This Writ Appeal has been preferred by the Appellant to set aside the order dated 04.07.2022 passed by this Court in W.P.No.16863 of 2022, in dismissing the Writ Petition.

2. The 1st Respondent/Workman was employed as a conductor in the Appellant/ Corporation. Since he was unauthorisedly absent from duty for 10 days and 18 days in the months of July 2008 and May 2009 respectively, a Charge Memo was issued against him by the Appellant/Corporation and after enquiry, the 1st Respondent/Workman was dismissed from service vide order dated 29.11.2010. As the Industrial Dispute is pending, the Management preferred an Approval Petition in A.P.No.202 of 2010 before the 2nd Respondent seeking approval of the order of dismissal dated 29.11.2010. The 2nd Respondent by relying upon the judgment of the Hon'ble Supreme Court in the case of ***Lalla Ram Vs. DCM Chemical Works*** reported in ***1978 (2) LLN 1***, rejected the Approval Petition vide order dated 28.10.2016. Challenging the said order, the Management preferred a Writ Petition in W.P.No.16863 of 2022, after a lapse of 6 years. The learned Single Judge by referring to the judgments of the Hon'ble Supreme Court in the case of ***Ex-Capt. Harish Uppal Vs. Union of India*** reported in ***1994 SCC, Supl. (2) 195*** and ***Karnataka Power Corporation Ltd. Vs.***



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Thangappan reported in **(2006) 4 SCC 322** as well as the judgment of the Division Bench of this Court in the case of **S.Vaidhyathan Vs. Government of Tamil Nadu** reported in **2018 SCC Online** dismissed the Writ Petition on the ground of delay and laches.

3. Challenging the said order of the learned Single Judge, the present Writ Appeal has been preferred by the Management.

4. The learned counsel for the Appellant submitted that the learned Single Judge has dismissed the Writ Petition on the sole ground that the Appellant/Management filed the Writ Petition belatedly. He further submitted that there is no limitation for filing a Writ Petition.

5. Heard the learned counsel for the Appellant and perused the records.

6. A perusal of the order passed by the learned Single Judge clearly shows that the learned Single Judge by considering the various judgments of the Hon'ble Supreme Court as well as the Division Bench of this Court has rightly dismissed the Writ Petition. Though there is no limitation for filing a Writ Petition, as rightly observed



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by the learned Single Judge, the 1st Respondent/Writ Petitioner has not given any satisfactory explanation for the delay of nearly six years in approaching this Court.

7. In such view of the matter, we do not find any reason to interfere with the order of the learned Single Judge. Hence, this Writ Appeal is liable to be dismissed.

8. Accordingly, this Writ Appeal is dismissed. The Appellant is expected to comply with the order dated 28.10.2016 passed by the 2nd Respondent in A.P.No.202 of 2010 within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.V.N., J.] [R.K.M., J]
16.03.2023

Index: Yes / No
Internet: Yes / No
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To

WEBKID
The Special Joint Commissioner of Labour,
DMS Campus, Anna Salai, Chennai.



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S. VAIDYANATHAN,J.,
and
R.KALAIMATHI.,J

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