



WEB COPY



W.P. No. 11033 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 12.04.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P. No. 11033 of 2023**

**and**

**W.M.P. No. 10919 of 2023**

Ramachandran

... Petitioner

-VS-

1.The Managing Director  
Tamil Nadu State Transport  
Corporation (Salem) Ltd.,  
No.12, Ramakrishna Road  
Salem – 636 007.

2.The Managing Director  
Tamil Nadu State Transport Corporation  
Ltd., Dharmapuri Division, Dharmapuri.

3.The Branch Manager  
Tamil Nadu State Transport Corporation  
(Salem) Ltd., Krishnagiri Depot  
Krishnagiri District.

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus to call for the records in connection with the proceedings in Pa.Mu.No.166/988/TNSTC/202 dated 25.05.2022 of 2<sup>nd</sup> Respondent and quash the same for not getting approval by considering petitioner's petition dated 17.06.2022 and consequently reinstate the



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petitioner with all salary and pension benefits from the date of petitioner's appointment.

For Petitioner : Mr. K.Thiruvengadam

For Respondents : Mr. K.Raja

### ORDER

Heard Mr. K.Thiruvengadam, Learned Counsel for the Petitioner and Mr. K.Raja, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was working as Driver in the services of the Respondent was terminated by proceedings in Pa.Mu.No.166/988/TNSTC/202 dated 25.05.2022. It is his case that the said order of termination is unenforceable as the requisite approval under Section 33(2)(b) of the Industrial Disputes Act, 1947, has not been obtained from the concerned authority, which would mean that he would have to be reinstated in service with all consequential benefits.

3. In response, the Learned Counsel for the Respondents has brought to notice that the Approval Petition in A.P. No. 108/2022 has already been filed by



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the Respondents before the Special Joint Commissioner of Labour, Chennai – 600006 who has sent notice to the parties to attend the hearing on 28.10.2022. In such circumstances, it is not possible to entertain the Writ Petition for the relief sought and it is needless to add here that depending on the outcome of the Approval Petition, the respective parties shall be entitled to work out their rights in accordance with law.

In fine, the writ petition is dismissed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

12.04.2023

KST

Index: Yes/No

**Note: Issue order copy by 31.07.2023.**

To

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**P.D. AUDIKESAVALU, J.**

**KST**

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