



W.P.No.42705 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.42705 of 2016

and

M.P.Nos.36629 of 2016 and 34320 of 2018

The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram)Ltd.,
Vazhuthareddy, Salamedu,
Villupuram Region,
Villupuram 605 602.

.. Petitioner

/versus/

1.V.Gandhi, Ex-Driver,
S/o Viswanathan, Main Road,
Vallam Post-604 206
Gingee Taluk.

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

.. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the 2nd respondent made in A.P.No.254 of 2012 dated 27.01.2016 and quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.



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For Petitioner : Mr.M.Aswin
For Respondents : Mr.K.Arunagiri for R1
Mr.T.M.Rajangam
Government Advocate for R2

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ORDER

Heard Mr.M.Aswin, learned counsel appearing for the petitioner, Mr.K.Arunagiri, learned counsel appearing for the 1st respondent and Mr.T.M.Rajangam, learned Government Advocate appearing for the 2nd respondent.

2. On the strength of certain proven charges, the 1st respondent herein, who was employed as a Driver, was dismissed from service on 22.06.2012. The petitioner-Management had filed an application in A.P.No.254 of 2012 under Section 33(2)(b) of the Industrial Disputes Act, 1947, after 6 days from the date of dismissal. The 2nd respondent had rejected the approval petition predominantly on the ground that the approval petition itself was filed belatedly after 6 days.



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3. In the case of *Lalla Ram Vs. D.C.M. Chemical Works* reported in *A.I.R. 1978 (S.C.) 1004*, the Hon'ble Supreme Court had set forth certain circumstances under which an approval petition can be set aside and if any one of the circumstances are found to be violated by the Management, the approval petition could be rejected. Among these circumstances, the approval petition under Section 33(2)(b) requires to be filed simultaneously on the date of dismissal.

4. In the instant case, the authority had found that the approval petition was filed after a delay of 6 days. By applying the ratio laid down in Lalla Ram's case (supra), I do not find any infirmity in the order of rejection.

5. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

31.01.2023

Index:yes/no
Speaking order/non speaking
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To

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



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M.S.RAMESH,J.

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