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W.P.No.42707 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.42707 of 2016

and

M.P.No.36631 of 2016

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

.. Petitioner

/versus/

1.V.Raja
Conductor, CR.4769, S/o Vedi,
2/29 A Cross Street,
Malapampadi Village,
Somaspaddi Post 606 612,
Tiruvannamalai District.

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.357 of 2011, dated 18.04.2016 and quash



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the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

For Petitioner : Mr.M.Aswin
For Respondents : Mr.S.T.Varadarajulu 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.S.T.Varadarajulu, 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 Conductor, was dismissed from service on 05.09.2011. The petitioner-Management had filed an application in A.P.No.357 of 2011 under Section 33(2)(b) of the Industrial Disputes Act, 1947, after 10 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 10 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 10 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 Petition is closed.

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Index:yes/no
Speaking order/non speaking
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To

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

M.S.RAMESH,J.



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