



W.A.No.1818 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

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The Management,
Sanmina SCI India Private Limited,
OZ-1, SIPCOT Hi-Tech SEZ,
Oragadam, Sriperumbudur Taluk,
Kancheepuram District – 602 105
rep. by its HR Director &
Authorised Signatory R.Kumar

.. Appellant

Vs

S.Loganathan

.. Respondent

Prayer: Appeal under Clause 15 of the Letters Patent to set aside the order dated 25.4.2023 passed in W.M.P.No.5620 of 2022 in W.P.No.25939 of 2021 by the learned Single Judge.

For the Appellant

: Mr.A.L.Somayaji
Senior Counsel
for Mr.C.Manohar Gupta



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JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.A.L.Somayaji, learned Senior Counsel for the appellant.

2. The appellant is challenging the order passed by the learned Single Judge in W.M.P.No.5620 of 2022 in W.P.No.25939 of 2021, dated 25.4.2023.

3. Learned Senior Counsel for the appellant submits that without considering the prima facie case, the learned Single Judge has invoked Section 17-B of the Industrial Disputes Act, 1947. The approval application has not been accepted by the Industrial Tribunal only on the ground that the prior permission was not obtained and the application for approval was filed on the day of the dismissal of the employee. The legal issue is pending consideration before the learned Single Judge. It was incumbent upon the learned Single Judge to look into the prima facie case before passing the



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order under Section 17-B of the Act.

4. We have considered the submissions canvassed by learned Senior Counsel for the appellant.

5. There is no dispute that as on date the application for approval of the dismissal has not been accepted. The result is reinstatement. The issue on merits is pending consideration before the learned Single Judge. As such, we would not like to comment on the merits of the matter. Section 17-B of the Act does not admit of any other interpretation. The learned Single Judge exercised the discretion in a plausible manner. As such, we are not inclined to interfere with the order passed by the learned Single Judge.

6. In the result, the writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.No.16015 of 2023 is closed.



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7. Learned Senior Counsel for the appellant submits that the writ petition be directed to be disposed of expeditiously.

8. The appellant may make a request to the learned Single Judge, which would be considered by the learned Single Judge considering the convenience of the learned Single Judge.

(S.V.G., CJ.)

(P.D.A., J.)

24.07.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

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