



WEB COPY



W.A. No.1435 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No. 1435 of 2023 and C.M.P. No.13936 of 2023

The Management
Tamil Nadu State Transport Corporation (VPM) Ltd.
Kancheepuram Region
Ponnerikarai
Bangalore Highways

Appellant

v

1 The Special Joint Commissioner of Labour
DMS Compound
Chennai

G. Vasantha Raj (deceased)

2 Geetha

3 Divya

4 Lavanya

Respondents



W.A. No.1435 of 2023

Writ Appeal challenging the order dated 06.06.2022 in

W.P.No.12857 of 2022.

For appellant M/s. S. Pavithra

For R1 Mrs. C. Sangamithirai
Special Government Pleader

JUDGMENT

This writ appeal has been preferred challenging the order dated 06.06.2022 passed by a Single Bench in W.P.No.12857 of 2022, confirming the order of the Assistant Commissioner of Labour (Conciliation), the first respondent herein, rejecting the approval petition in A.P. No.322 of 2013 filed by the appellant management, *vide* order dated 17.07.2017.

2 The respondents 2 to 4 are the legal heirs of one Vasantharaj (since deceased) who joined as Driver in the appellant Transport Corporation on 16.04.1988. He was issued with a charge memo dated 08.02.2010 for remaining absent on two spells, each spell spanning over more than eight days, without obtaining prior permission. Subsequently, disciplinary proceedings was initiated against him, which eventually resulted



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in his dismissal from service *vide* order dated 19.12.2013, following which, the appellant Transport Corporation filed an approval petition before the first respondent authority, which was rejected *vide* order dated 17.07.2017. Thereagainst, the appellant Transport Corporation preferred a writ petition being W.P. No.12857 of 2022, which came to be dismissed by a Single Bench *vide* order dated 06.06.2022 as stated in the preceding paragraph, on the solitary ground of delay and laches following the ratio laid down in **Ex Capt. Harish Uppal v Union of India¹, S. Vaidhyanathan v Government of Tamil Nadu², Karnataka Power Corporation Ltd. v K. Thangappan³ and CMWSSB v T.T.Murali Babu⁴**, wherein, it has been consistently held that parties should pursue their rights and remedies with promptitude and should not sleep over their rights like Rip Van Winkle.

3 In the instant case, the approval petition was rejected by the first respondent authority on 17.07.2017, whereas, the writ petition challenging the said order of rejection was filed by the appellant Transport

1 (1994) Supp. (2) SCC 195

2 (2018) SCC OnLine Mad 11643

3 (2006) 4 SCC 322

4 (2014) 4 SCC 108



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Corporation only in the year 2022, *i.e.*, after a lapse of five years and there was no satisfactory explanation in the affidavit filed in support of the writ petition for the inordinate delay in filing the writ petition. In our considered view, the Single Bench was correct in dismissing the writ petition on the ground of delay and laches.

In the upshot, this writ appeal is dismissed sans costs. Connected C.M.P. is closed.

(S.V.N.J.) (K.R.S., J.)
27.06.2023

cad
To

- 1 The Management
Tamil Nadu State Transport Corporation (VPM) Ltd.
Kancheepuram Region
Ponnerikarai
Bangalore Highways
- 2 The Special Joint Commissioner of Labour
DMS Compound
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