



W.P.No.10068 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.10068 of 2023
and
W.M.P.No.10109 of 2023

The Management of Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram

.. Petitioner

Vs

1.C.Subramaniyan (died)
2.Usha
3.Sureshbabu
4.Jayanthi

.. Respondents

(Respondents 2 to 4 brought on record
as legal representatives of the deceased
first respondent vide order dated 20.12.2024
in W.P.No.10068 of 2023)

Writ Petition filed under Article 226 of the Constitution of India for
the issuance of a Writ of Certiorari to call for the records relating to
the impugned order passed in I.A.No.02 of 2022 in C.P.No.168 of 2018
dated 13.12.2022 on the file of Labour Court, Kancheepuram and
quash the same.

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For Petitioner .. Mr.T.Chandrasekaran

For Respondent .. Mr.S.Ravi

ORDER

This writ petition is filed challenging the impugned order passed in I.A.No.2 of 2022 in C.P.No.168 of 2018 by the Labour Court, Kancheepuram.

2. The application in I.A.No.2 of 2022 is filed to condone the delay in filing the application to set aside the exparte order made in C.P. No.168 of 2018. The delay condonation application was rejected on the ground that no proper reason was mentioned in the affidavit filed in support of the application. Aggrieved by the same, the present writ petition is filed.

3. Mr.T.Chandrasekaran, learned counsel appearing on behalf of the petitioner management would submit that the approach of the Labour Court in dealing with the delay condonation application should have been liberal and the management ought to have been granted one opportunity to put forth their case.



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4. Even considering the said argument made by the learned counsel, on a perusal of the case, it can be seen that the petitioner management dismissed the workman from service on 21.03.2014 and they filed a petition for approval under Section 33 (2)(b) of the Industrial Disputes Act, 1947 in A.P.No.92 of 2014 and after due enquiry, the same was dismissed on 05.01.2018 and that has become final. If the approval is not granted, then it goes without saying that the employee will be deemed to be continued in service for all practical purposes and therefore the claim petition claiming arrears of backwages has to be naturally allowed. In that view of the matter, even considering the case on merits, even considering the exparte decree being set aside, the case of the management does not go anywhere. In that view of the matter, this writ petition is without any merits and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

5. It is stated that 50% of the amount was deposited by the management to the credit of C.P. No.168 of 2018. The petitioner management is directed to deposit the balance amount within a period of twelve weeks from the date of this order. Needless to state that



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upon production of the web copy of the order along with a memo by the respondents, the Labour Court shall pay out the said amounts already deposited and the amount to be deposited along with accrued interest if any to the respondents herein.

20.12.2024

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To

The Labour Court,
Kancheepuram.



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