



WEB COPY



1

W.P.No.12539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.No.12539 of 2024

and

WMP.No.13688 of 2024

Hyundai Motor India Limited,
Plot No.H-1, SIPCOT Industrial Park,
Irrungattukottai, Sriperumbatur Taluk,
Kancheepuram District. - 602 117.

...Petitioner

Vs.

1. The Additional Commissioner of Labour,
(formerly Joint Commissioner of Labour - I)
DMS Compound, Teynampet,
Chennai - 600 006.

2. Michael

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to dispose the approval application filed by the Petitioner on 22.12.2017 seeking approval of the dismissal order issued to the 2nd respondent dated 22.12.2017 as per law and on the merits of the case.



For Petitioner : Mr.D.Abdullah

For R1 : Mr.R.V.Dinesh Raj Kumar
Additional Government Pleader

ORDER

This writ petition is filed for the issuance of a Writ of Mandamus directing the 1st respondent to dispose of the approval application filed by the petitioner on 22.12.2017 seeking approval of the dismissal order issued to the 2nd respondent dated 22.12.2017 as per law and on the merits of the case.

2. Heard learned counsel for the petitioner and the learned Additional Government Pleader, who accepted the notice for the first respondent. In view of the limited relief sought for, notice to the second respondent is dispensed with and the writ petition itself is taken up for final disposal.

3. It is submitted by the learned counsel for the petitioner that on 06.6.2016, around 40 workmen complained that the second respondent has collected money luring the workers with the promise of high returns on their investment as since the money borrowed by him was not returned, a criminal case came to be registered against him and pursuant to that, a charge sheet was filed against the second respondent on 20.12.2016 framing charges under



Clauses 21(38), 21(43) and 21(81) of the Certified Standing Orders. An inquiry was conducted and the Enquiry Officer submitted his report dated 27.10.2017. Ultimately, the second respondent was dismissed from the services of the petitioner vide proceedings dated 22.12.2017.

4. On the date of passing of dismissal order against the second respondent, an industrial dispute raised by the Union relating to the demand for periodical increments to the workmen, was pending before the first respondent. Hence, the petitioner filed an approval petition before the first respondent. However, vide letter dated 19.1.2018, the first respondent informed the petitioner that the question of seeking approval under Section 33(2)(b) of the Industrial Disputes Act would not arise, as name of the second respondent was not found in the dispute raised by the Union.

5. In turn, the second respondent raised I.D.No.65 of 2021 before the Labour Court, Kanchipuram to set aside the order of dismissal dated 22.12.2017 and to reinstate him into the services. By filing a counter to that, the pendency of the approval application filed by the petitioner before the first respondent was also brought to the notice of the Labour Court, Kanchipuram.



The petitioner also made several requests to the first respondent to decide the approval application. However, nothing was forthcoming. Hence, the petitioner is before this Court.

6. It is submitted by the learned counsel for the petitioner that the second respondent was dismissed from service on account of misconduct and that it has nothing to do with the industrial dispute raised by the Union. According to him, the first respondent was excepted to consider approval application and decide as to whether dismissal was after following the guidelines. However the order dated 19.1.2018 stated that since the name of the second respondent was not found in the conciliation proceedings held, the approval under Section 33(2)(b) of the said Act need not require.

7. The learned Additional Government Pleader appearing for the first respondent has submitted that a direction may be given to the first respondent to dispose of the approval application sent by the petitioner as quickly as possible.

8. Accordingly, the Writ Petition is disposed of directing the first respondent to dispose of the approval application filed by the petitioner, if it



was not disposed of yet as quickly as possible and not later than six weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.

30.04.2024

Note : Issue copy of the order on 06.05.2024

Index : Yes/No

Neutral Citation : Yes/No

To

Additional Commissioner of Labour,
(formerly Joint Commissioner of Labour - I)
DMS Compound, Teynampet,
Chennai - 600 006.

adl



WEB COPY



6

W.P.No.12539 of 2024

DR. D.NAGARJUN, J.

adl

W.P.No.12539 of 2024
and
WMP.No.13688 of 2024

30.04.2024