



WEB COPY

W.P.No.27667 of 2024
and W.M.P.No.30188 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27667 of 2024
and W.M.P.No.30188 of 2024

The Management,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region,
Marudhupathi, Managiri,
Karaikudi - 630 307.

...

Petitioner

versus

1.M.Salmankhan

2.The Special Joint Commissioner of Labour,
DMS Campus, Anna Salai,
Chennai.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 29.12.2023 passed by the second respondent in Approval Petition No.177 of 2022 and quash the same, consequently direct the second respondent to approve the order of the petitioner dated 05.07.2022 dismissing the first respondent from service.

For Petitioner

: Mr.M.Murali Vinodh



For Respondent No.2 : Mrs.M.Jayanthy
Additional Government Pleader

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ORDER

The Writ Petition has been filed challenging the orders of the appropriate authority in rejecting the approval petition filed along with the order of dismissal passed against the first respondent.

2. Heard Mr.M.Murali Vinodh, learned counsel for the petitioner and Mrs.M.Jayanthy, learned Additional Government Pleader for the second respondent and perused the materials available on record.

3. Mr.M.Murali Vinodh, learned counsel for the petitioner submitted that despite the authority has accepted that the management has complied all the mandatory conditions enumerated under Section 33(2)(B) of the Industrial Disputes Act, 1947 and also in accordance with the guidelines of the Hon'ble Supreme Court laid down in ***Lalla Ram Vs. DCM Chemical Works Ltd.*** reported in ***AIR 1978 (SC) 1004***, the authority has chosen to reject the approval petition only on the observation that the approval petition has not been filed immediately after the dismissal but it has been submitted belatedly.



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4. However, it is submitted that the order of dismissal has been passed on 05.07.2022 and the same has been sent to the second respondent authority on 06.07.2022 itself. The postal receipt containing the date 06.07.2022 has been produced to show that the approval petition has been sent to the second respondent authority on 06.07.2022 itself. But the appropriate authority has observed that the petition has been filed only on 12.07.2022. It appears that there might be a postal delay in receiving the approval petition by the authorities. But the appropriate authority has not adverted into the above facts before coming to a conclusion of rejecting the approval petition.

5. Since the essential facts are omitted to be dealt properly and the petitioner has also filed a proof showing that the approval petition has been filed on 06.07.2022 itself, I feel the matter should be remitted back to the second respondent authority for giving a fresh disposal, however by putting the first respondent on notice. Since the second respondent is directed to give notice to the first respondent before disposing the approval petition



afresh, notice in this writ petition is dispensed as against the first respondent.

6. With the above observations, this Writ Petition is **disposed**. No costs. Consequently, connected Miscellaneous Petition is closed.

23.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

The Special Joint Commissioner of Labour,
DMS Campus, Anna Salai,
Chennai.



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R.N.MANJULA, J.

sri

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