



WEB COPY



W.P.No.28378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.28378 of 2024 and
W.M.P.No.30941 of 2024

The Management of Metropolitan
Transport Corporation (Chennai) Limited,
Pallavan House, Anna Salai,
Chennai 600 002.

... Petitioner

Vs.

1.B.Kesavan (EDP.No.D58057)

2.The Special Joint Commissioner of Labour,
DMS Complex, Teynampet,
Chennai 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the order passed in Approval Petition No.179 of 2022 dated 20.12.2023 passed by the 2nd respondent herein and to quash the same.

For Petitioner : Mr.C.Gauthama Raj

For Respondents : Mrs.M.Jayanthi, AGP for R2



W.P.No.28378 of 2024

ORDER

WEB COPY

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records relating to the order passed in Approval Petition No.179 of 2022 dated 20.12.2023 passed by the 2nd respondent herein and to quash the same.

2. Heard Mr.C.Gauthamaraj, learned counsel for the petitioner and Mrs.M.Jayanthi, learned Additional Government Pleader for the second respondent and perused the materials available on record.

3. Mr.C.Gauthamaraj, learned counsel for the petitioner submitted that the copy of the order has been submitted to the first respondent on 30.06.2022 and it contains a seal showing the date as 30.06.2022. The approval petition was also filed on 30.06.2022. However, in the impugned order, it had been stated that the approval petition had been filed only on 12.07.2022 and no other reasons have been stated for rejecting the approval petition.



W.P.No.28378 of 2024

WEB COPY

4. In fact, the first respondent workman was set *ex parte* even in the approval petition proceedings on the observation that the approval petition has been filed after a considerable delay. Since the records show the fact otherwise, I feel it is appropriate to remit the matter back to the file of the second respondent for fresh consideration and pass orders after rechecking the actual date during which the approval petition has been filed and also by issuing a fresh notice to the first respondent by giving him an opportunity to make his submissions.

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

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

27.09.2024

To

The Special Joint Commissioner of Labour,
DMS Complex, Teynampet,
Chennai 600 006.



WEB COPY



W.P.No.28378 of 2024

R.N.MANJULA, J.

gsk

W.P.No.28378 of 2024 and
W.M.P.No.30941 of 2024

27.09.2024