



WEB COPY



W.P.No.28831 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.03.2024

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.28831 of 2023

and

WMP.No.28433 of 2023

L.Singaravelu

...Petitioner

vs

1. The Senior Deputy General Manager (QM),
Bharat Electronics Limited,
Nandambakkam, Chennai- 89.

2.The Additional General Manager(QM),
Bharat Electronics Limited,
Nandambakkam, Chennai- 89.

....Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent -1 in Final order dated 29.8.2023 bearing No.209556/DA/CHN/ 23 and to quash the same and to direct the respondents -1 and 2 to reinstate the petitioner as workman with continuance of service with all benefits.

For Petitioner : L.Singaravelu

(Party-in-Person)

For Respondents: Mr.S.Ravindran, Senior Counsel
for Mr.V.M.Narayanan



W.P.No.2883 of 2023

ORDER

Writ petition is filed for a Writ of Certiorarified Mandamus, to call for the records of the final order dated 29.8.2023, to quash the same and direct the respondents 1 and 2 to reinstate the petitioner as workman with continuity of service and all other monetary benefits.

2. The petitioner was employed with the respondent management and on 22.07.2021 a charge sheet was issued to the petitioner for making certain disparaging statements against the respondent management. The petitioner submitted his reply on 14.08.2021 and not being satisfied with the same, an enquiry was conducted. In the enquiry report, it was held that the charges were proved and based on the enquiry report, the petitioner was dismissed from service vide order dated 29.08.2023. Challenging the dismissal order the petitioner has filed the above writ petition.

3. The writ petitioner challenged the impugned order on several grounds, *inter alia*, stating that the respondents did not comply with the provisions of Section 33(2)(b) of the Industrial Disputes Act, which is



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mandatory in nature.

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4. When the matter was taken up on 13.02.2024, the learned counsel for the respondents submitted that the 33(2)(b) application was filed and it was yet to be numbered. As the respondents expressed difficulty in numbering the application, on their request, the matter was adjourned.

5. Today, when the matter is taken up for hearing, learned counsel for the respondents submits that approval application under Section 33(2)(b) of the Industrial Disputes Act is numbered as A.P.No.1 of 2024. The learned counsel further submits that the sittings of the Presiding Officer, CGIT, Chennai are not regular but the matter is likely to be taken up for hearing in April.

6. As the respondent has already filed the approval application in A.P.No.1 of 2024 before the CGIT, Chennai without going into the merits of the case, the writ petition is disposed of with a direction to the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Courts,



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Chennai to dispose of the appeal in A.P.No.1 of 2024 within a period of four (4) weeks from the date of receipt of a copy of this order. It is needless to say that, the petitioner would be at liberty to approach the Presiding Officer, CGIT, Chennai, for any interim relief.

The Writ petition is accordingly disposed of with the aforesaid direction. No costs. Consequently, connected WMP is closed.

14.03.2024

dsn

Index:Yes/No

Speaking Order:Yes/No

Neutral Citation:Yes/No



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To

1. The Senior Deputy General Manager (QM),
Bharat Electronics Limited,
Nandambakkam, Chennai- 89.

2.The Additional General Manager(QM),
Bharat Electronics Limited,
Nandambakkam, Chennai- 89.

3.The Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Courts,
Chennai.



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N.MALA,J
dsn

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