



W.P.No.30682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.30682 of 2024

and

W.M.P.No.33299 of 2024

The Management,
rep. by its General Manager,
Tamil Nadu State Transport Corporation,
(VPM) Ltd. Kancheepuram Region,
Ponnerikarai near Karapettai Post,
Chennai-Bangalore Highways,
Kancheepuram District - 631 552.

... Petitioner

Vs.

1.R.Selvakumar

2.The Special Joint Commissioner of Labour,
D.M.S. Compound, Chennai.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of order passed by the second respondent in Approval Petition made in A.P. No.89 of 2023 dated 30.10.2023 and quash the same as illegal.



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For Petitioner : Ms.S.Pavithra
For R2 : Mrs.M.Jayanthi,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition, challenging the order of rejection of the Approval Petition by the Special Joint Commissioner of Labour, Chennai dated 30.10.2023 made in A.P. No.89 of 2023.

2.The learned counsel for the petitioner/Management submitted that the order rejecting the approval is solely on the ground that the Approval Petition has been submitted to the authority/second respondent after a delay. It is contended by the learned counsel for the petitioner that the Form T Approval Petition has been sent on the same day when the order of rejection was passed through RPAD. The RPAD containing the seal dated 30.05.2023 has been marked before the appropriate authority, but the appropriate authority, without noticing the seal, had proceeded to observe that the Approval Petition has been filed after a delay.



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3.The petitioner/Management, is an Establishment, situated in Kancheepuram and the appropriate authority is at Chennai. The petitioner had taken the risk of sending Form T petition through RPAD. But it is not known whether any communication was sent through RPAD. Had the petitioner produced Form T for filing Approval Petition in person and obtained a seal of the second respondent/authority that would have been sufficient to establish that the petitioner had filed the Approval Petition immediately, without causing any delay. If the RPAD sent by the petitioner has not been delivered in time, the risk goes with the petitioner.

4.In the absence of any materials to show that the cover containing RPAD in the Form T petition has been delivered on the next day, the appropriate authority cannot be expected to presume that Form T petition has been filed immediately after the dismissal. The appropriate authority can only go with the seal of the office. Had the seal of the office contained any other subsequent dates, the authority can only record the said date on the receipt of the Approval Petition. Since no satisfactory evidence has



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been produced before the appropriate authority to show that the Approval

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R.N.MANJULA ,J.

mrn

Petition has been filed in time with the seal of the office, the appropriate authority is right in rejecting the Approval Petition on the ground of delay.

5.Hence, this Court finds no reason to interfere with the order passed by the Appropriate Authority.

6. In view of the above observation, this Writ Petition is dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

19.10.2024

Index: Yes / No
Speaking order / Non-speaking order
mrn

To

The Special Joint Commissioner of Labour,
D.M.S. Compound, Chennai.



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