



W.P.Nos.26100, 26101, 26104 and 26105 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.Nos.26100, 26101, 26104 and 26105 of 2013
and M.P.Nos.1, 1, 1, 1, 2, 2, 2, 2, 3, 3, 3 and 3 of 2013

The Management of
M/s.SL Lumax Limited,
G-15, SIPCOT Industrial Park,
Irungattukottai,
Sriperumbudur-602 105,
Rep.by A.Kumar,
Sr.Manager-HR

...Petitioner in all W.Ps

vs.

1.The Assistant Commissioner of Labour-I,
(Conciliation),
Sriperumbudur.

...R1 in all W.Ps

2.R.Vasu

...R2 in W.P.No.26100 of 2013

3.A.Baskaran

...R2 in W.P.No.26101 of 2013

4.C.Ravindran

...R2 in W.P.No.26104 of 2013

5.S.Easan

...R2 in W.P.No.26105 of 2013



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Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari, to call for the records connected with A.P.Nos.400, 401, 404 and 405 of 2012 and quash the orders dated 12.08.2013 passed by the first respondent.

In all W.Ps

For Petitioner : Mr.Manohar Gupta
for M/s.Gupta and Ravi

For Respondents : Mr.K.Surendran
Additional Government
Pleader for R1
Ms.V.Porkodi for R2

COMMON ORDER

For the sake of brevity, the petitioner in all the writ petitions is referred to as the Management, the first respondent is referred to as Labour Court and the second respondent are referred to as workmen.

2. These Writ Petitions have been filed by the Management challenging the orders dated 12.08.2013 passed in A.P.Nos.400, 401, 404 and 405 of 2012 by the first respondent.



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3. The learned counsel appearing for the Management submits that the workmen were dismissed from service for various acts of misconducts committed by them and thereafter, the Management filed approval petitions under Section 33(2)(b) of the Industrial Disputes Act, 1947 seeking approval of the dismissal orders. However, overlooking the procedure contemplated under Section 33(2)(b) of the Industrial Disputes Act and the decision of the Apex Court in ***Lalla Ram Vs. D.C.M. Chemical Works Ltd. and Ors.***, reported in ***AIR 1978 SC 1004***, the Labour Court decided the approval petitions filed by the Management on merits and dismissed the same. On the sole ground, the present Writ Petitions have been filed.

4. The learned counsel appearing for the workmen in all the writ petitions, on instructions, submits that this Court may grant liberty to the workmen to raise the Industrial Disputes as against the orders of dismissal.



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5. Heard Mr.Manohar Gupta, learned counsel representing M/s.Gupta and Ravi, learned counsel appearing for the Management and Mr.K.Surendran, learned Additional Government Pleader appearing for the Labour Court, and Ms.V.Porkodi, learned counsel appearing for the workmen.

6. A perusal of the impugned orders passed by the Labour Court reveals that the Labour Court, while dismissing the approval petitions filed by the Management, has not followed the procedures contemplated under Section 33(2)(b) of the Industrial Disputes Act and in the case of ***Lalla Ram Vs. D.C.M. Chemical Works Ltd. and Ors.***, reported in ***AIR 1978 SC 1004*** and passed the orders on merits. Hence, the orders dated 12.08.2013 passed by the Labour Court in A.P.Nos.400, 401, 404 and 405 of 2012 are liable to be set aside and accordingly, it is set aside. However, liberty is granted to the workmen to raise the Industrial Disputes before the Labour Court. While entertaining the Industrial Disputes filed by the workmen, the



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Labour Court is directed to decide the issue independently without being influenced by any of the observations made by the Labour Court in the approval petitions filed under Section 33(2)(b) of the Industrial Disputes Act. The period from the date of rejection of the approval petition as well as the writ petition pending before this Court, is to be excluded for the purpose of limitation.

7. Accordingly, these Writ Petitions are allowed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

12.03.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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M.DHANDAPANI, J.

ssb

To
The Assistant Commissioner of Labour-I,
(Conciliation),
Sriperumbudur.

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