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W.P.No.30941 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30941 of 2015

And

M.P.No.1 of 2015

A.Baskar Chandrasekar

... Petitioner

Vs.

1.The Special Deputy Commissioner of Labour,
D.M.S.Complex,
Teynampet,
Chennai – 600 006.

2.The General Manager,
Tamilnadu Government Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem – 636 007.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for records in A.P.No.352/2012 dated 16.03.2015 on the file of the first respondent confirming the order of the second respondent dated 19.09.2012 and quash the same and direct the respondents to reinstate the petitioner in service with all attended benefits.

For Petitioner : Mr.A.Vinupradha
for M/s.S.Ramesh Kumar

For Respondents : Mr.K.Surendran for R1
Additional Government Pleader



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Mr.M.Aswin for R2

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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for records in A.P.No.352/2012 dated 16.03.2015 on the file of the first respondent confirming the order of the second respondent dated 19.09.2012 and quash the same and direct the respondents to reinstate the petitioner in service with all attended benefits.

2.The learned counsel appearing for the petitioner submitted that the petitioner was working as driver in the second respondent Corporation and for the alleged un-authorised absence, the second respondent initiated disciplinary proceedings and on 19.09.2012 proposed to dismiss the petitioner and filed approval petition before the first respondent and the first respondent on 16.03.2015 allowed the approval petition. The learned counsel further submitted that without following the procedure contemplated under Section 32 B of the Industrial Disputes Act and the decision of the Hon'ble Apex Court reported in AIR 1978 © 1004 (Lalla Ram Vs. DCM chemical Works), the second respondent filed the approval petition and the first respondent mechanically allowed the approval petition, which is not



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sustainable one.

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3.Per contra, the learned counsel appearing for the second respondent submitted that the procedure contemplated under Section 32 B of the Industrial Disputes Act and the decision of the Hon'ble Apex Court reported in AIR 1978 © 1004 (Lalla Ram Vs. DCM chemical Works) were duly followed during the disciplinary proceedings and the approval petition was filed before the first respondent and the first respondent rightly allowed the approval petition, which warrants no interference.

4.Heard both side and perused the materials available on record.

5.Exhibits Ex.P1 to Ex.P14 marked by the second respondent before the first respondent reveal that enquiry has been conducted in a fair manner and after enquiry, dismissal order was issued to the petitioner and one month salary was also given to the petitioner and thereafter, the approval petition has been filed and hence the impugned order need not be interfered with. If at all the petitioner is aggrieved, the petitioner has to file industrial dispute under Section 2 A (2) of the Industrial Disputes Act, instead filing writ petition, is not



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sustainable one.

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6.In view of the above, the writ petition is dismissed. Liberty is granted to the petitioner to raise industrial dispute under Section 2 A (2) of the Industrial Disputes Act, before the Labour Court. If any such dispute is raised by the petitioner, the Labour Court shall consider the said industrial dispute on merits and in accordance with law, within a period of six months from the date of numbering of the said industrial dispute. The period during which the writ petition was pending before this Court is excluded for the purpose of limitation. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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D.M.S.Complex,
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2.The General Manager,
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4/5



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