



W.P.Nos.7165 & 7168 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.7165 & 7168 of 2025

and

W.M.P.No.7601 of 2025

1.P.Ananthaperumal ... Petitioner in W.P.No.7165 of 2025

2.S.Chandrasekar ... Petitioner in W.P.No.7168 of 2025

Vs.

The Management of Lakshmi Mills Co. Ltd.,
Kuppusamynaidupuram Post,
Palladam Taluk,
Tirupur – 641 662.

... Respondent in both petitions

Prayer in W.P.No.7165 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order of the Industrial Tribunal dated 07.02.2023 in A.P.No.39 of 2012 and quash the same and consequently, direct the respondent to reinstate the petitioner with continuity of service, full back wages and all other attendant benefits.

Prayer in W.P.No.7168 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order of the



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Industrial Tribunal dated 07.02.2023 in A.P.No.35 of 2012 and quash the same and consequently, direct the respondent to reinstate the petitioner with continuity of service, full back wages and all other attendant benefits.

For Petitioner : Mr.V.Ajoy Khose
(in both WPs)

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the records relating to the order passed in A.P.No.183 of 2022 dated 08.09.2023 passed by the 2nd respondent herein and quash the same.

2. Since no adverse order has been passed against the respondent, notice to the respondent is dispensed with.

3. The case of the petitioners/workmen is that, they have joined the services of the respondent on 01.07.1996 and 01.09.1996 respectively. Whiles, the respondent management has initiated disciplinary proceedings against the petitioners/workmen for the flimsy charges and thereafter, they were dismissed from service. Subsequently, the



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respondent management made applications in A.P.Nos.39 and 35 of 2013 under Section 33(2)(b) of the Industrial Disputes Act, 1947 (in short 'the I.D. Act') for approval of the termination and the same was allowed vide orders dated 07.02.2023. Challenging the same, the above writ petitions are filed.

4. Learned counsel for the petitioners submitted that, none of the procedure contemplated by the Apex Court in the case of ***Lalla Ram Vs. Managment of D.C.M. Chemicals Works Ltd. & Ors.*** reported in ***AIR 1978 SC 1004*** was followed by the respondent management and mechanically, the respective management had passed the order of dismissal against the petitioners/workmen, which was approved by the approval authority/Labour Court, which is contrary to Section 33(2)(b) of the I.D. Act. Accordingly, he prays for allowing these writ petitions.

5. Heard the learned counsel for the petitioners and also perused the materials available on record.

6. Admittedly, for unauthorised absence, the respondent management initiated departmental proceedings against the



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petitioners/workmen and the same ended in order of dismissal.

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Thereafter, the management filed approval petitions and the same was approved by the Labour Court, assailing which, the present writ petitions are filed.

7. This Court is of the view that, rendering any opinion on the merits of the case would adversely affect the interest of the petitioners as well as the respondent, in view of the fact that, once the order of dismissal passed by the respondent management is approved by the Labour Court, the remedy available to the petitioners to raise a dispute before the Labour Court u/s 2(A)(2) of the Act. Without doing so, filing the present writ petitions is *per se* unsustainable, unless the petitioners establishes that there is a glaring violation of the law laid down the Apex Court in *Lalla Ram's* case.

8. For the reasons aforesaid, these Writ Petitions are dismissed with liberty to the petitioners to raise a dispute before the Labour Court in the manner known to law. Though the orders in approval petitions are passed on 07.02.2023, however, without considering the delay, the Labour Court is directed to dispose of the disputes to be filed by the



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petitioners as expeditiously as possible, without being influenced by any
of the observations made by this Court or by the Labour Court in the
approval petitions. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

The Industrial Tribunal, Tamilnadu, Chennai.



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M.DHANDAPANI, J.

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