



W.P.No.8948 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.8948 of 2023

D.Kaliaperumal

... Petitioner

Vs.

M/s. State Express Transport Corporation
Rep. by its Managing Director,
No.2 , Pallavan Salai,
Chennai 02

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, call for the records of the 1st Additional Labour court, Chennai in Claim Petition No. 118 of 2020 and its impugned order dated 10.02.2023 passed in C.P. No. 118 of 2020 and quash the same and consequently direct the 1st Additional Labour Court, Chennai to take the Claim Petition No. 118 of 2020 on its file and compute the backwages of the petitioner herein.

For Petitioner : Mr.D.Soundar Raj

For Respondent : M/s.Ilamvazhudhi
for M/s.S.Sivasubramani



W.P.No.8948 of 2023

ORDER

WEB COPY The above Writ Petition is filed by the petitioner workman challenging the order passed by the I Additional Labour Court, Chennai in CP.No.118/2020.

2. The short facts which have culminated in the filing of this Writ Petition is hereinbelow set out:-

3. The petitioner would contend that he had joined the service in the respondent corporation and was promoted as Assistant Tradesman and finally as Tradesman. While in service, charges were framed against him stating that he had unauthorisedly absented himself from work from the period 17.12.2002 to 14.03.2005. He was therefore dismissed from service on 14.03.2005 based on an ex parte enquiry.

4. The petitioner would submit that the respondent had filed an Approval Petition in AP.No.50/2005 before the Joint Commissioner of Labour (Conciliation), Chennai under Section 33 (2)(b) of the Industrial Disputes Act (hereinafter called as the “ID Act”) praying to approve the dismissal order. The authority by its order dated 05.01.2007 refused to accord approval for the dismissal stating that the mandatory conditions



W.P.No.8948 of 2023

under Section 33(2)(b) of the ID Act had been violated. Challenging the said order, the respondent had filed WP.No.29538/2007 before this Court.

By order dated 03.02.2012, this Court was pleased to dismiss the said Writ Petition. The respondent had also not paid wages payable under Section 17b of the ID Act when the Writ Petition was pending. Challenging the order passed in the Writ Petition, the respondent had preferred an appeal in WA.No.2557 of 2013. The Writ Appeal was also dismissed on 16.02.2018 and once again the respondent had not paid the wages payable under Section 17(b) of the ID Act. Therefore, by reason of the orders passed hereinabove, the petitioner was deemed to have been reinstated with effect from 14.03.2005. The petitioner was however not permitted to rejoin the duty after the Approval Petition was rejected or after the Writ Petition as well as the Writ Appeal were dismissed.

5. The backwages for the period from the date of dismissal till the date of reinstatement was not paid and therefore the petitioner had preferred CP.No.118/2020 before the I Additional Labour Court, Chennai for computation of backwages amounting to a sum of Rs.28,88,724/- for the period from 14.03.2005 to 31.10.2015. Unfortunately, the Labour Court had proceeded to dismiss the Computation Petition contending that



W.P.No.8948 of 2023

the dismissal of the Approval Petition was not on merits but on technical grounds. Challenging this order the petitioner is before this Court.

6. Heard the learned counsel on either side.

7. Since the approval petition filed by the respondent-management seeking approval of the dismissal order was rejected, and both the Writ Petition and the Writ Appeal were subsequently dismissed, the petitioner is deemed to have been reinstated in service with effect from 14.03.2005. Further, it is the respondent who have not reinstated the petitioner despite the orders being passed against them. The petitioner is therefore entitled to backwages from the date of dismissal till the date of reinstatement.

8. The learned Judge, I Additional Labour Court, Chennai has rejected the Computation Petition on totally irrelevant grounds. It is nobody's case that the Approval Petition was rejected only on technical grounds and therefore the order passed by the learned Judge in CP.No.118/2020 dated 10.02.2023 is liable to be set aside.

9. Considering the above, the Writ Petition is allowed and the order



W.P.No.8948 of 2023

passed by the I Additional Labour Court, Chennai in CP.No.118/2020

WEB COPY

dated 10.02.2023 is set aside. The I Additional Labour Court, Chennai is directed to take the Claim Petition No.118 of 2020 on its file and compute the backwages of the petitioner. No costs.

21.07.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1. The 1st Additional Labour court, Chennai.



WEB COPY



W.P.No.8948 of 2023

P.T. ASHA. J.,

(shr)

W.P.No.8948 of 2023

21.07.2025