



W.A.No.3386 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.3386 of 2025

and CMP.No.27589 of 2025

The Management,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Kancheepuram Region,
Kancheepuram.

... Appellant

Vs.

1.R.Janakiraman

2.The Special Joint Commissioner of Labour,
DMS Compound, Chennai

... Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to
set aside the order dated 06.02.2024 in W.P.No.23354 of 2019.



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For Appellant : Mr.M.Aswin

For Respondents : Mr.S.Ravi for R1
Mr.G.Ameedius
Government Advcoate for R2

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the order dated 06.02.2024 in W.P.No.23354 of 2019.

2. Under Section 33(2)(b) of the Industrial Disputes Act, 1947, the appellant / Management is mandated to simultaneously file an application before the Authorities while the major punishment is imposed. Admittedly, in the present case, the application under Section 33(2)(b) was made before the concerned Authority, after a delay of 7 days.



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3. The Hon'ble Supreme Court in ***Lalla Ram vs. D.C.M Chemical***

Works Ltd., and another, reported in [(1978) 3 SCC1], has held that such delay would be fatal to the action taken and the punishment imposed, and that the workman is deemed to have continued in service from the date of dismissal itself. This aspect has been properly appreciated by the learned Single Judge in the order impugned before us.

4. We do not find any reasons to interfere with the order of the learned Single Judge.

5. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J]

[R.S.V.,J]



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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

To

The Special Joint Commissioner of Labour,
DMS Compound, Chennai

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

Anu



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