



W.P.No.1325 of 2018

WEB COPY **M.DHANDAPANI, J.**

This petition is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. It is brought to the notice of this Court by the learned counsel for the petitioner that the signed order dated 25.03.2025 and the one which is uploaded on the website are different.

3. This Court has perused the signed order dated 25.03.2025 as also the uploaded order and finds that an erroneous order has been uploaded in the website and the cause title, facts and discussion in the case do not tally.

4. In such view of the matter, this Court directs the Registry to remove the aforesaid erroneous order which is uploaded in the website, and this Court further directs that the order, dated 25.03.2025, which is signed and which is available in the bundle be uploaded in the website, replacing the erroneous order.



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5. Registry is directed to carry out the aforesaid directions with regard to uploading of the correct order in the website and also take steps to issue fresh order copy, in line with the freshly uploaded order, to the parties.

29.07.2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 1325 of 2018

AND

WMP NOs. 1706 & 1707 OF 2018

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

...Petitioner

Vs

1. G.Govindaraj,

2.The Special Deputy
Commissioner Of Labour,
D.M.S.Compound, Chennai.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, parying for issuance of Writ of Certiorari to call for the records of the 2nd respondent made in A.P. No.509/2011 dated 11.11.2015 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.



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For Petitioner(s): Mr.M. Aswin
For Respondent(s): Mr.V.Ajoy Khose R1
Mr.K.Surendran, AGP R2

ORDER

The impugned order dated 11.11.2015 made in A.P. No.509 of 2011 passed by the Special Deputy Commissioner of Labour, Chennai is under challenge in the present Writ Petition.

2. The petitioner is the Management (Tamil Nadu State Transport Corporation). The respondent was working as a driver in Tiruvallur Depot. The petitioner received a basic report that the first respondent was involved in a road accident due to his rash and negligent driving. The first respondent was assigned duty on 19.06.2007, in bus bearing No.TN 21 NO 0316 and due to rash driving, he hit against a trunk of the tree. In the result, 7 passengers died on the spot and some on taking to the hospital. Further many of the 5 passengers were also badly injured and 12 others were sustained simple injuries. A charge memo dated 19.06.2007 was issued to the first respondent. Based on the charge memo issued, an enquiry was conducted and order of dismissal was passed against the



first respondent on 30.01.2014. Approval Petition was filed before the Special

Deputy Commissioner of Labour by the first respondent, wherein the

Commissioner of Labour disposed the said Approval Petition in A.P.No.509 of

2011 vide order dated 11.11.2015. Challenging the same, the present Writ

Petition has been filed.

3. The learned counsel appearing for the petitioner submits that the Commissioner of Labour has passed an impugned order without considering the gravity of the misconduct committed by the respondent workman and that the impugned order has been passed without taking into note the principles laid down in the case of ***Lalla Ram vs. D.C.M.Chemical Works Ltd., and another*** reported in ***(1978) 3 SCC 1***. He further submits that the respondent workman has been continuously absent from 30.01.2014 and the Approval Petition was sent to the authority on the same day. However, the Commissioner of Labour considered the date of filing of the Approval Petition was dated 23.11.2011 and citing the delay of seven days in filing the Approval Petition, has dismissed the same and the same is impermissible. Therefore, the learned counsel for the



petitioner Management seeks for setting aside of the order passed in A.P.No.509

4. The learned counsel for the respondent submitted that the delay in filing of the Approval Petition before the authority is fatal and that no reason has been stated by the petitioner Management before the Commissioner of Labour explaining the delay in filing of the Approval Petition. Hence, the order passed by the Commissioner of Labour is sustainable and the learned counsel seeks for dismissal of the Writ Petition.

5. This Court has carefully considered the said submissions made on both sides and the materials placed on record.

6. The issue arises in the present Writ Petition has already been dealt with by this Court in W.P.No.1526 of 2017 seeking to quash the dismissal of the Approval Petition filed by the Transport Corporation. The said Writ Petition was dismissed by a learned Single Judge of this Court by order dated 30.07.2021 by



relying upon the judgment reported in **1962 (1) LLJ 420 [Strawboard**

Manufacturing Company v. Gobind]. The Tamil Nadu State Transport

Corporation took up it on appeal in W.A.No.1559 of 2022 and the same was

dismissed by the Division Bench of this Court vide judgment dated 18.07.2022

holding that the ratio laid down by the Hon'ble Supreme Court is squarely

applicable to the facts and circumstances of the case that any delay caused in

filing the Approval Petition would be fatal to the Management and hence, there

should not be any delay in filing the Approval Petition.

7. In the instance case also, there is delay in filing the Approval Petition and therefore, the judgment of the Division Bench of this Court upholding the order of the learned Single Judge relying upon the judgment of the Hon'ble Supreme Court is squarely applicable to the facts and circumstances of the present case.

8. Accordingly, this Writ Petition is dismissed in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The Special Deputy
Commissioner Of Labour, D.m.s.
Compound, Chennai.



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