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W.P.No.21823 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.21823 of 2023
and W.M.P.Nos.21151 and 21172 of 2023**

1.R.C.Cyril Thiagaraj
2.S.Velmurugan
3.G.Ramanan
4.L.Gopinath
5.V.Murali
6.K.Vijayalakshmi
7.N.Mohanasundaram
8.E.Madanasekar

... Petitioners

Vs.

The Chief Executive,
The Railway Employee's Co-operative Credit Society Limited,
Old Zoo Road, Ashok Vihar Complex,
Chennai-600 003.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the learned Industrial Tribunal, Tamil Nadu, Chennai,



W.P.No.21823 of 2023

WEB COPY

in Complaint No.1 of 2017, resulting in the order dated 20.10.2022, quash the same and consequently, direct the respondent to reinstate the petitioners in service with backwages and all attendant benefits by holding that the punishment of discharge from service is imposed on the petitioners in contravention of Section 33(1)(b) of the Industrial Disputes Act, 1947 and is hence null and void as per the judgment in Jaipur Zila Sahakari Boomi Vikas Bank Limited vs. Ram Gopal Sharma and others reported in (2002) 2 SCC 244.

For Petitioners : Ms.D.Geetha

For Respondent : Mr.G.Anand Gopalan
for M/s.AGAM Legal

ORDER

This Writ Petition has been filed challenging the order dated 20.10.2022 passed by the Presiding Officer, Industrial Tribunal, Tamil Nadu, Chennai, in and by which, the complaint made by the petitioners against the respondent in Complaint No.01 of 2017 was closed and for a consequential direction to the respondent to reinstate the petitioners in service with backwages and all attendant benefits by holding that the punishment of discharge from service is imposed on the petitioners in



W.P.No.21823 of 2023

WEB COPY

contravention of Section 33(1)(b) of the Industrial Disputes Act, 1947 and is null and void as per the judgment of the Hon'ble Apex Court of India in the case of *Jaipur Zila Sahakari Boomi Vikas Bank Limited vs. Ram Gopal Sharma and others* reported in *(2002) 2 SCC 244*.

2. The learned counsel appearing for the petitioners submits that the petitioners were the employees of the respondent Management and the respondent Management initiated disciplinary proceedings against the petitioners/employees and dismissed them from service without complying Section 33(1)(b) of the Industrial Disputes Act. The respondent Management filed approval petitions under Section 33(2)(b) of the Industrial Disputes Act before the Labour Court and thereafter, the petitioners filed complaint under Section 33A of the Industrial Disputes Act and the said complaint was closed as no further adjudication is required vide impugned order dated 20.10.2022. Challenging the same, the present Writ Petition has been filed.

3. Heard the learned counsel appearing for the petitioners and the

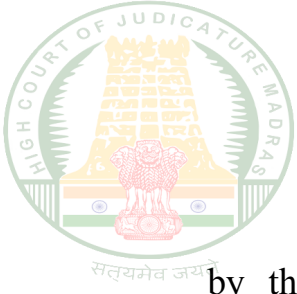


W.P.No.21823 of 2023

learned counsel appearing for the respondent.
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4. From the materials available on record, it is seen that this Court, vide order dated 07.09.2023, issued a direction to the Labour Court to conduct enquiry under Section 33(2)(b) of the Industrial Disputes Act and file a decision taken before this Court in a sealed cover, pursuant to which, the Labour Court has taken the decision in the approval petitions filed by the respondent seeking to approve the dismissal order of the petitioners/workmen and sent the same in the sealed cover. A perusal of the same reveals that the approval petitions filed by the respondent Management was dismissed. Hence, nothing survives for adjudication in this writ petition.

5. Accordingly, this Writ Petition is disposed of by issuing a direction to the Labour Court, namely, the Industrial Tribunal, Tamil Nadu, Chennai, to intimate the rejection order passed in the approval petitions filed



W.P.No.21823 of 2023

WEB COPY

by the respondent to the petitioners and the respondent enabling the aggrieved person to work out the remedy in the manner known to law. There shall be no order as to costs. Connected miscellaneous petitions are closed.

04.04.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

The Chief Executive,
The Railway Employee's Co-operative Credit Society Limited,
Old Zoo Road, Ashok Vihar Complex,
Chennai-600 003.



WEB COPY



W.P.No.21823 of 2023

M.DHANDAPANI, J.

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W.P.No.21823 of 2023

04.04.2025