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W.P.No.15486 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15486 of 2019

And

W.M.P.No.15417 of 2019

The General Manager
Tamil Nadu State Transport Corporation (Salem) Limited,
12, Ramakrishna Road,
Salem 7. ... Petitioner

Vs.

S.Viswanathan ... Respondent

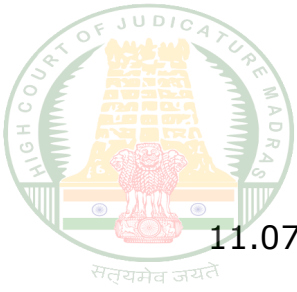
Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order dated 11.07.2018 passed by the Principal Labour Court, Salem in C.P.No.98 of 2017 and to quash the same.

For Petitioner : Mr.M.Aswin
For Respondent : No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the order dated



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11.07.2018 passed by the Principal Labour Court, Salem in C.P.No.98 of 2017 and to quash the same.

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2.The learned counsel appearing for the petitioner submitted that the respondent was working as Driver at the petitioner Corporation and he was dismissed from service vide order dated 24.06.2013 for unauthorized absence. Since the petitioner Corporation was under the impression that dispute is pending before the Conciliation Officer, the petitioner Corporation did not file approval petition before the Commissioner of Labour and the respondent filed C.P.No.98 of 2017 under Section 33 (C) (2) of the Industrial Disputes Act before the Labour Court seeking to compute the money value Rs.12,18,950/- and to direct the petitioner to pay the amount to him and the Labour Court directed the petitioner to pay a sum of Rs.11,52,564/- to the respondent.

3.The learned counsel appearing for the petitioner further submitted that necessarily petitioner has to file approval petition and further submitted that if any dispute is pending before the Conciliation Officer, the petitioner has to follow Section 33 (C) (2) of the Industrial Disputes Act, however, in the absence of any dispute, there is no



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mandate to follow Section 33 (C) (2) of the Industrial Disputes Act and hence without any pre existing rights, filing computation petition is not sustainable one.

4.Heard the learned counsel appearing for the petitioner. Though the name of the respondent is printed in the cause list, there is no representation. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

5.Perusal of records reveal that the respondent entered the service of the petitioner during the year 1994 and he was dismissed from service during the year 2013. The petitioner has sent dismissal order along with one month salary and form T, thereby, the respondent not challenged the dismissal order at the relevant point of time, however, the petitioner did not file approval petition till the year 2019. Further in the dismissal order, the petitioner has stated that industrial dispute is pending before the Special Deputy Commissioner of Labour in Na.Ka.No.C.1-37589-2007 and hence, they are going to file approval petition and since the respondent did not receive any communication from the Special Deputy Commissioner of Labour



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regarding the dispute, he made application under the Right to Information Act on 11.07.2017 and on 26.07.2017 he received the reply that no approval petition has been filed and hence the respondent made representation dated 09.08.2017 to the petitioner seeking reinstatement and salary, however, he was not reinstated. Thereafter the respondent filed the computation petition. All the factual aspects were rightly appreciated by the Labour Court and the impugned order has been passed and hence, the impugned order is perfectly in order and needs no interference.

6.The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

07.04.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Principal Labour Court,
Salem.

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M.DHANDAPANI,J.
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