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W.P.No.2807 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.2807 of 2025

and

C.M.P.No.22648 of 2025

1.The Management

Rep. by its General Manager

Tamil Nadu State Transport Corporation (Villupuram) Ltd.

Cuddalore Region

Cuddalore

... Appellant

Vs.

1.P.Viswanathan

2.The Special Deputy Commissioner of Labour

D.M.S. Compound

Chennai 600 006

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 09.11.2023 in W.P.No.11873 of 2019 passed by His Lordship Hon'ble Mrs.Justice R.Hemalatha.



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For Appellant : M/s.S.Pavithra
For Respondents : Mr.K.M.Ramesh
Senior Counsel
for Mr.V.Subramanian - R1

Mr.K.Suresh
Government Advocate - R2

JUDGMENT

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

On the strength of a certain proven charges, the 1st respondent / workman was dismissed from service with effect from 12.01.2015. Since certain conciliation proceedings were pending, the Management had filed an application under Section 33(2)(b) of the Industrial Disputes Act, 1947, before the 2nd respondent authority, seeking for approval of the action taken. By an order dated 16.07.2018, the authority had rejected the approval application predominantly on the grounds that there was no prima facie case before the enquiry officer, the enquiry was not conducted in a fair and proper manner, one month wages was not fully paid and there was a delay of 18 days in filing the application. The authority had also placed reliance on the decision in *Lalla Ram V. DCM Chemical*



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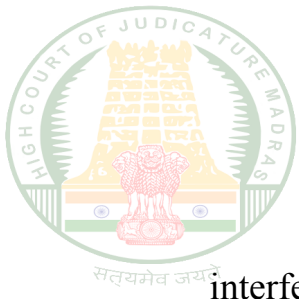
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Works, reported in *AIR 1978 (c) SCC 1004*. When the said order came to be challenged before the Writ Court by the Management, the Writ Petition was dismissed on 09.11.2023, which order is under challenge in this Writ Appeal.

2.Though, several grounds have been raised by the Management challenging the order of the Writ Court, the learned counsel predominantly referred to the full backwages awarded by the authority and by pointing out the precarious financial constrain faced by the Transport Corporation, sought for reduction of the backwages.

3.The learned Senior Counsel appearing for the workman readily agreed to have the backwages reduced from 100% to 75%. A calculation Memo has also been filed by the Management with regard to 75% of the total backwages, and after deduction of the last drawn wages paid under Section 17(B), the arrears works out to Rs.13,08,073/-.

4.We are of the view, that if this total backwages is rounded off to Rs.14 lakhs, the ends of justice would be secured. Accordingly, no



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interference is required to the order passed in W.P.No.11873 of 2019 dated 09.11.2023, except the backwages. Thus, the Management shall forthwith pass appropriate orders, to reinstate the 1st respondent / workman back into service, together with continuity of service and other attendant benefits.

5.Insofar as the backwages are concerned, the Management shall pay a lump sum amount of Rs.14,00,000/- (Rupees Fourteen Lakhs only) to the workman. Such orders of reinstatement and disbursement of the backwages shall be made atleast within a period of two (2) weeks from the date of receipt of a copy of this order. In the light of the decision of the Hon'ble Supreme Court in ***Sundaram Motors Pvt. Ltd. V. Ameerjan and Anr***, reported in ***(1985) 1 SCC 118***, the workman shall be entitled to the relief under Section 89 of the Income Tax Act.

6.In the result, the Writ Appeal stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.



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[M.S.R, J.]

[R.S.V, J.]

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Index: Yes / No

Neutral Citation

Speaking / Non Speaking

To.

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