



W.A.No.2203 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.2203 of 2022 and CMP.No.16502 of 2022

Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Villupuram.
Rep. By its Managing Director

... Appellant

Vs.

1.The Joint Commissioner of Labour,
(Conciliation), D.M.S Compound,
Teynampet,
Chennai-600 006

2.S.Sebastian (deceased)

3.Marry Francisca

4.Atlin sujitha

5.Shaji

(R2 died. R3 to R5 are brought on records as
LRs of the deceased R2 vide court order
dated 18.09.2025 made in CMP.No.24592/2024
in WA.No.2203/2022)

... Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to
set aside the order dated 31.07.2021 passed by the learned Judge in
W.P.No.36815 of 2005.



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For Appellant : Mr.M.Aswin
For Respondents : Mr.G.Ameedius
Government Advocate for R1

JUDGMENT

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

This Writ Appeal has been filed to set aside the order dated 31.07.2021 passed by a learned Judge of this Court made in W.P.No.36815 of 2005.

2.After passing the order of dismissal dated 23.12.2003 against the second respondent, who had died pending the Writ Appeal, an application was filed before the authorities on 29.12.2003 under Section 33(2)(b) of the Industrial Disputes Act, 1947 (hereinafter referred to 'the Act'). While serving the dismissal order, the appellant had also enclosed a cheque for Rs.5,143/- claiming it as one month wages, as required under Section 33(2) (b) of the Act.

3. The authority by an order dated 19.12.2004 had rejected the application of the appellant on the following grounds:



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- (i) the enquiry conducted against the deceased workman was not in accordance with the principles of natural justice.
- (ii) A *prima facie* case against the deceased workman was not made out from the evidence let in during the enquiry.
- (iii) The wages of Rs.5,143/- paid was less, since the last drawn wages were Rs.5,421.50/- and the subsequent payment of Rs.278/- cannot meet the requirements of Section 33(2) (b) of the Act.
- (iv) The petition under Section 33(2) (b) of the Act was filed only on 29.12.2003, which is six days after the order of dismissal dated 23.12.2003.

4. The Hon'ble Supreme Court, in the case of ***Lalla Ram vs. Management of D.C.M. Chemical Works Ltd.***, reported in [AIR 1978 SC 1004] had set forth certain mandatory requirements to be complied with by the Management while passing dismissal orders pending conciliation proceedings and non compliance of any one of such conditions would vitiate the entire dismissal order. In this case, four of the conditions mentioned in ***Lalla Ram's case*** have not been complied with by the Management, and therefore, the authority had rightly rejected their application. The learned Single Judge had also properly appreciated all



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these aspects and had dismissed the writ petition filed by the Management.

5. Since we intend to dismiss the appeal for the reasons which are set forth above, notice to the legal heirs of the deceased workman is dispensed with.

6. We do not find any infirmity or other illegality in the findings of the learned Single Judge. Accordingly, the Writ Appeal stands dismissed.

7. In view of the dismissal of the Writ Appeal, the Management shall forthwith disburse the retirement benefits, including the pensionary benefits of the deceased employee, at least within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V.,J]

18.09.2025

(4/4)

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu



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To
1.The Joint Commissioner of Labour,
(Conciliation), D.M.S Compound,
Teynampet,
Chennai-600 006



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and
R.SAKTHIVEL, J.

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