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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.21072 of 2017
and WMP. No.21952 of 2017

Craigmore Plantations (India) Pvt. Ltd.,

Kullakamby 643 218,

The Nilgiris,

Rep. By its Authorised Signatory.

... Petitioner

Vs.

1. The Presiding Officer,

Industrial Tribunal,

Tamil Nadu,

Chennai-104.

2. R.Rajkumar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in Approval Petition No.51/2011 quash its order dated 10.06.2016 rejecting the Approval Application and grant approval of the dismissal order dated 11.08.2011.

For Petitioner : Mr.P.Raghunathan
For M/s.T.S.Gopalan & Co.
For Respondents : Mr.R.Chandrasekaran R2

R1 - Court

ORDER



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The Writ petition has been filed seeking a direction to the first respondent in Approval Petition No.51/2011, dated 10.06.2016 rejecting the Approval Application and grant approval of the dismissal order dated 11.08.2011.

2. The case of the petitioner is that the petitioner engaged in cultivation and manufacture of Tea. The second respondent was dismissed on 11.08.2011 for acts of misconduct. The dismissal was to take effect from 12.08.2011. One month notice pay was paid on 12.08.2011. As the dispute pertaining to revision of wage for plantation workers in the State of Tamil Nadu was pending before the first respondent an approval application under Section 33(2)(b) of ID Act was filed on 17.08.2011. On 10.06.2016, the first respondent upheld that the enquiry proceedings held against the second respondent, however, dismissed the approval petition as it was not filed on the same day. As the order of the first respondent is contrary to the judgment of Supreme Court reported in 1973(2) LLJ 248 the petitioner has challenging the order of the first respondent by way of filing the present writ petition.

3. The learned counsel for the petitioner submitted that challenging the order of dismissal, the second respondent raised an Industrial dispute in ID.



No.27/2014 and the same was ended in his favour. Challenging the said order, the second respondent has filed another writ petition in W.P.No.7855 of 2021 and the same is pending. In such view of the matter, the present writ petition has been infructuous.

4. Heard the learned counsel for the petitioner as well as the second respondent and perused the materials available on record.

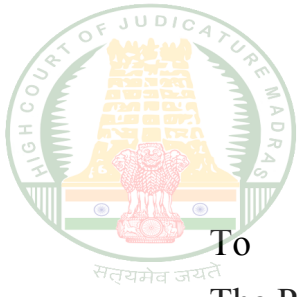
5. Considering the fact that the second respondent has filed another writ petition before this Court challenging the order of dismissal and the same is pending before this Court. In such circumstances, the present writ petition has been filed challenging the approval petition and the same is now become infructuous.

6. In the result, the writ petition is closed. Consequently, connected miscellaneous petition is closed. No costs.

03.04.2025

M.DHANDAPANI,J.

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To
The Presiding Officer,
Industrial Tribunal,
Tamil Nadu,
Chennai-104.

W.P.No.21072 of 2017

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