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W.A.No.2588 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.2588 of 2025
and C.M.P.No.20658 of 2025

The General Manager
State Express Transport Corporation
(Tamil Nadu) Ltd.
Pallavan Salai

... Petitioner

Vs.

1.The Special Joint Commissioner of Labour
Teynampet
Chennai 600 018

2.A.Kumar

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent, praying to set aside the order passed in W.P.No.1 of 2022 dated 30.04.2025 and allow the Writ Appeal.

For Appellant : Mr.T.Chandrasekaran

For Respondents : Mr.UM.Ravichandran
Special Government Pleader - R1
Mr.S.T.Varadarajalu - R2



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JUDGMENT

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M.S.RAMESH, J.

and

R.SAKTHIVEL, J.

One of the essential requirements for the Management prior to filing an approval petition under Section 33 (2)(b) of the Industrial Disputes Act, 1947, is to pay one month full wages to the workman while serving him the copy of the punishment order. This essential condition has been held to be mandatory in several decisions of the Constitutional Courts, including the decision in *Lalla Ram V. DCM Chemical Works*, reported in *AIR 1978 (c) 1004*.

2.In the instant case, the workman had marked Exhibit R1 before the Authority, which evidences that he would be entitled to 58% of Grade Pay along with his basic pay. However, the Management had not paid this 58% and hence it cannot be termed as payment of one month full wages. The authority has taken note of this fact and had rejected the Approval Petition filed by the Management.

3.This apart, the Authority had also taken into consideration that



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the particulars of the enquiry proceedings were not marked before them, and therefore could not arrive at the conclusion that there was a prima facie case before the enquiry officer during the disciplinary proceedings. This aspect is also another essential condition under Section 33(2)(b) of the Industrial Disputes Act, 1947, as confirmed in *Lalla Ram V. DCM Chemical Works* also.

4.In this background, the Authority has rightly come to the conclusion that the requirements of Section 33(2)(b) of the Industrial Disputes Act, 1947, has not been met and accordingly had rejected the Approval Petition. The learned single Judge had also appreciated this aspect and dismissed the Writ Petition. We find no grounds to interfere with the well considered orders of both the Authority, as well as the learned Single Judge.

5.Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

M.S.RAMESH, J.
and



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R.SAKTHIVEL, J.

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6.In view of the dismissal of the Writ Appeal, the Management shall forthwith disburse all the retirement and pensionary benefits to the 2nd respondent, at least within a period of four (4) weeks, from the date of receipt of a copy of this order. The Management is also at liberty to deduct the workman's contribution towards the Provident Fund out of the retirement benefits.

[M.S.R, J.]

[R.S.V, J.]

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Index: Yes / No

Neutral Citation

Speaking / Non Speaking

To.

1.The Special Joint Commissioner of Labour

Teynampet

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