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W.P. No.34982 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

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THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.34982 of 2023

V. Ramasamy S/o. Vishwanathan .. Petitioner

VS.

The Management of
Metropolitan Transport Corporation,
(Chennai Ltd.,)
Pallavan Illam,
Anna Salai, Chennai-600 002. .. Respondent

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records on the file of Special Deputy Commissioner of Labour, Chennai in I.A. No.1 of 2022 in A.P. No.242 of 2012 dated 13.09.2023 and to quash the same.

For Petitioner : Mr.D. Bharathy

For Respondents : Mr. A. Vinothraj, Standing Counsel.

ORDER

This Writ petition is filed by the petitioner challenging the order passed by the Special Deputy Commissioner of Labour, Chennai in I.A. No.1 of 2022 filed under Section 33(2)(b) of Industrial Disputes Act.



W.P. No.34982 of 2023

WEB COPY

2. The learned counsel appearing for the petitioner would submit that the respondent initiated Disciplinary Proceedings against the petitioner and thereafter, punishment of removal from service was awarded. Then the respondent filed an approval petition before the Joint Commissioner of Labour in A.P. No.242 of 2012 and the same was allowed on 04.08.2014 without affording an opportunity to the petitioner and the order is an exparte order. While so, the petitioner filed an application to set aside the said exparte order with delay of 1945 days and the same was dismissed through an order dated 13.09.2023. Challenging the same, the petitioner has filed the present Writ petition.

3. The learned Standing counsel appearing for the respondent would submit that the respondent has filed an approval petition in the year 2012 and the order was passed by the Tribunal on 04.08.2014 and the same has not been challenged. Without challenging the said order before the Labour court, the petitioner has filed a petition to set aside the exparte order before the Authority only in the year 2022 i.e., on 23.02.2022 with a delay of 1945 days and the same was dismissed by the Authority by a reasoned order. Therefore,

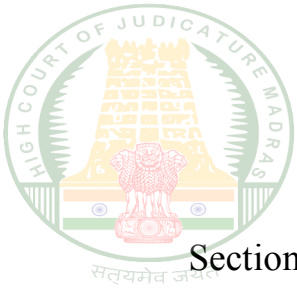


W.P. No.34982 of 2025

the petition without challenging the order before the Labour Court is not maintainable. Hence, there is no merits in this petition and the same is liable to be dismissed.

4. Heard both sides and perused the entire materials available on record.

5. The petitioner/workman was removed from service by the respondent Management through an order dated 13.09.2012. Thereafter, the respondent filed an approval petition before the Authority in A.P. No.242 of 2012 and the same was allowed through an exparte order dated 04.08.2014. Thereafter, the petitioner filed an application to set aside the exparte order under Rule 48(2) of Tamil Nadu Industrial Disputes Rules, 1958 and the same was dismissed. The petitioner has not produced any acceptable documents for the condonation of delay of 1945 days and therefore, without any documents, it is not appropriate to condone the delay. However, the learned counsel appearing for the petitioner would submit that against the dismissal order passed by the respondent dated 13.09.2012, he has to raise an industrial dispute and therefore, seeks permission of this Court to extend benefits under



W.P. No.34982 of 2025

Section 14 of the Limitation Act for the period of pendency of Writ proceedings.

6. Since the writ petition is pending before this Court, the petitioner is entitled to the benefit of Section 14 of the Limitation Act.

7. With the above observations, this Writ petition is disposed of. There shall be no order as to costs.

18.06.2025

Index : Yes/No
Speaking order/non-speaking order
mjs

P. DHANABAL, J.,

mjs



WEB COPY



W.P. No.34982 of 2023

W.P. No.34982 of 2023

18.06.2025