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W.A.No.1237 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

W.A.No.1237 of 2024
and C.M.P.No.9094 of 2024

The Management,
Tamil Nadu State Transport Corporation,
(VPM) Ltd., Kancheepuram Region,
Ponnerikarai, Bangalore Highways,
Kancheepuram,
Rep. by its Managing Director

... Appellant

Vs.

1.M.Kumar

2.The Special Deputy Commissioner of Labour,
DMS Compound, Chennai.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, seeking to set aside the order dated 09.08.2023 in WP.No.28609 of 2017 passed by the learned Judge of this Court.



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For Appellant : Mr.M.Aswin
for Mrs.S.Pavithra

For R1 : Mr.S.T.Varadarajulu

For R2 : Mr.K.Suresh,
Government Advocate

JUDGMENT

(Judgment of the Court was made by *M.S.RAMESH, J.*)

The main ground on which the appellant/Management filed an application seeking approval under Section 33(2)(b) of the Industrial Disputes Act, 1947, is that there was no *prima facie* material before the Inquiry Officer and the violation of principles of natural justice, for which purpose, the decision of the Hon'ble Supreme Court in the case of '*Lalla Ram Vs. D.C.M. Chemical Works Ltd. & another*' reported in '*(1978) 3 Supreme Court Cases 1*' was relied upon.

2. The learned counsel appearing for the appellant/Management has produced before us the inquiry proceedings and his contention is that both the findings of the Authority are incorrect.



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3. Admittedly, the inquiry proceedings were not produced before the Authority for appraisal and therefore, on a *prima facie* view, the order of rejection by the Authority cannot be found fault with. However, since it is now claimed that the inquiry proceedings' papers are available and the Management is also willing to produce the same, we are of the view that the matter can be remitted back to the concerned Authority for reconsideration. We refrain from commenting any of our views with regard to the inquiry proceedings and thus, leave it open to the Authority, to consider it on its own merits and pass appropriate orders in accordance with law.

4. Accordingly, the Writ Appeal stands partly allowed and the impugned order dated 09.08.2023 passed in W.P.No.28609 of 2017 by this Court, as well as the proceedings of the second respondent dated 02.11.2016 made in A.P.No.2 of 2013, are hereby set aside and the matter is remitted back to the second respondent/Special Deputy Commissioner of Labour, Chennai, for reconsideration. The concerned Authority shall



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reconsider the case of the first respondent herein, on its own merits and pass appropriate orders, after giving due opportunity to both the parties. Such proceedings shall be completed, atleast within a period of sixty (60) days from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[R.S.V, J.]

23.10.2025

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

The Special Deputy Commissioner of Labour,
DMS Compound, Chennai.



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and
R. SAKTHIVEL, J.

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