



W.P.(MD).No.14358 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14358 of 2021

and

W.M.P(MD) No.11302 of 2021

The Management,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Limited,
Trichy.

... Petitioner

Vs.

1. M.Balakrishnan

2. The Joint Commissioner of Labour
(Conciliation)
D.M.S.Compound,
Chennai – 06.

3. Jeyalakshmi

4. Padmapriya

5. Karthik

... Respondents

(R3 to R5 are impleaded vide order of
this Court dated 23.07.2025 in
W.M.P(MD) No.15255 of 2025 in
W.P(MD) No.14358 of 2021)



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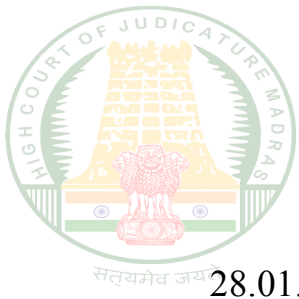
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the second respondent made in Approval Petition No.473 of 2003 dated 23.05.2011 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

For Petitioner : Mr.S.C.Herold Singh
For R1 : Died
For R2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R3 to R5 : Mr.D.Venkatachalam

ORDER

The Management of Tamil Nadu State Transport Corporation, Kumbakonam has filed the present Writ Petition challenging the order passed by the second respondent herein under Section 33 (2) (b) of the Industrial Disputes Act, wherein the request of the Management for approving the dismissal of the workman has been rejected.

2. One Mr.M.Balakrishnan, who was employed as a Conductor in the petitioner's Transport Corporation was issued with a charge Memo on



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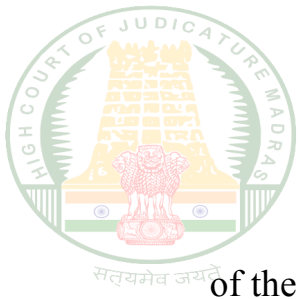
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28.01.2002 on the allegations of misappropriation. He did not submit his explanation during the domestic enquiry. The delinquent has been found guilty of all the charges. A second show cause notice has been issued to the delinquent and after considering the explanation offered by the delinquent, the Management has issued the order of dismissal on 05.12.2003.

3. Seeking approval for the said dismissal order, the Management has filed an application before the second respondent under Section 33 (2) (b) of the Industrial Disputes Act.

4. Under the impugned order, the second respondent has rejected the approval primarily on the ground that none of the records pertaining to the enquiry proceedings were filed before him. Challenging the said order, the present Writ Petition has been filed.

5. It is brought to the notice of this Court that the delinquent had passed away on 07.12.2022, during the pendency of the present Writ Petition. The wife and his children of the deceased employee have been impleaded in the Writ Petition. They have filed an affidavit dated 14.08.2025. Paragraph No.5



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of the affidavit is extracted as follows:

“5. I submitted that I and respondents 4 and 5 are giving up the entire back wages and also giving up the arrears of family pension. But the petitioner Management has to pay contribution to the pension trust. We are ready to receive the retirement benefits of my husband Mr.Balakrishnan and pension alone from the petitioner Corporation”.

6. Considering the fact that the approval application has already been rejected by the competent authority, the delinquent should be deemed to be in service, while he had passed away. In such circumstances, it should only be treated that the charges as against the delinquent has got abated.

7. In view of the affidavit filed by the legal heirs of the deceased delinquent/employee, the Management is directed to pay contribution to the pension trust and release the retirement benefits along with pension from September 2025 onwards.



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8. With the above said observation, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

20.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
The Joint Commissioner of Labour
(Conciliation)
D.M.S.Compound,
Chennai – 06.



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