



W.P.(MD) No.21927 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.21927 of 2018

and

W.M.P.(MD) No.19854 of 2018

The Management
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited
Karaikudi Region
Maruthapathy
Managiri
Karaikudi-630 307

... Petitioner

-vs-

1.M.Raju

2.The Special Deputy
Commissioner of Labour
Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the proceedings passed by the second respondent in Approval Petition No.144 of 2012, dated 12.09.2017 and quash the same as illegal.



W.P.(MD) No.21927 of 2018

WEB COPY

For Petitioner : Mr.P.Prabhakaran

For Respondents : Mr.K.Gokul for R1
Mr.A.Baskaran
Additional Government Pleader for R2

ORDER

This writ petition has been filed by the petitioner – Transport Corporation aggrieved by an order dated 12.09.2017, passed by the second respondent in the approval petition No.144 of 2012, refusing to grant approval for the order of dismissal, dated 06.03.2012, passed by the petitioner – Transport Corporation against the first respondent, on various grounds, including on the ground that the approval petition was not submitted simultaneously while passing the order of dismissal dated 06.03.2012 and there was a delay of six days in filing the said application.

2. Though the present writ petition has been filed by the petitioner – Transport Corporation aggrieved by the said finding also, no material is placed before this Court to show that the approval petition was submitted before the second respondent on 06.03.2012. In the absence of any material



W.P.(MD) No.21927 of 2018

WEB COPY

placed before this Court or the second respondent to show that the application, under Section 33(2)(b) of the Industrial Disputes Act, 1947 (in short, “the Act, 1947”), was submitted simultaneously while passing the order of dismissal from service dated 06.03.2012 against the first respondent, this Court is unable to find any error or illegality in the conclusion recorded by the second respondent insofar as the non-compliance of the proviso to Section 33(2)(b) of the Act, 1947.

3. By now, it is well settled that the requirement of submitting an application seeking prior approval simultaneously from the authority concerned while passing the order of removal or dismissal from service is mandatory under Section 33(2)(b) of the Act, 1947. Hence, this Court does not deem it necessary to go into the other aspects of the matter. As the petitioner – Transport Corporation failed to show that the application under Section 33(2)(b) of the Act, 1947, seeking prior approval from the authority concerned was submitted simultaneously while passing the order of dismissal from service dated 06.03.2012, against the first respondent, this Court does not see any reason to interfere with the impugned order passed by the second respondent.



W.P.(MD) No.21927 of 2018

WEB COPY

4. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

26.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Special Deputy
Commissioner of Labour,
Chennai.



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W.P.(MD) No.21927 of 2018

MUMMINENI SUDHEER KUMAR, J.

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W.P.(MD) No.21927 of 2018
and
W.M.P.(MD) No.19854 of 2018

26.03.2025

Page 5 of 5