



W.A(MD)No.748 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 18.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No.748 of 2020
and
C.M.P(MD)No.4321 of 2020

The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-Pass Road,
District Collector Office Post,
Dindigul-624 004.

... Appellant/Petitioner

Vs

1.The Special Deputy Commissioner of Labour,
O/o.Commissioner of Labour,
Chennai-600 006.

2.P.Jeyasingh Herald

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 08.01.2018 made in W.P(MD)No.19291 of 2014.



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For Appellant : Mr.S.Senthilkumaraiah
For R1 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R2 : Mr.G.M.Xavier

JUDGMENT

(Judgment of the Court was made by R.VIJAYAKUMAR,J.)

The writ petitioner in W.P(MD)No.19291 of 2014 has filed the present writ appeal challenging the dismissal of the writ petition.

2. The second respondent herein, who was employed as a driver in the appellant transport corporation, was dismissed from service on 14.02.2011. The appellant had presented an application under Section 33(2)(b) of the Industrial Disputes Act, 1947 seeking approval for such dismissal. The authority by his order dated 27.12.2012 rejected the said request on the ground that one month salary as contemplated under Section 33(2)(b) of the Industrial Disputes Act has not been paid to the workman, the Management has not established their case on the basis of



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the acceptable evidence and the Management has not placed any material record to establish that the enquiry was conducted in a fair manner after providing opportunity to the workman. The said order was put to challenge by the Management in the above writ petition.

3. The Writ Court, after considering the submission made on either side, had dismissed the writ petition on the ground that the reasons assigned by the authority under the Industrial Disputes Act are sustainable in the eye of law and there is a long time gap between the date of impugned order and the filing of the writ petition. Challenging the said order, the present writ appeal has been filed by the Management.

4. According to the learned counsel for the appellant, the Management should have been provided with an opportunity to pay the one month salary and should have been granted another opportunity for production of the records relating to the enquiry proceedings. Hence, he seeks for setting aside the order of the authority under the Industrial Dispute Act and for remitting the matter back to the authority for marking those documents.



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5. Per contra, the learned counsel for the second respondent / workman submitted that admittedly, one month salary has not been paid to the workman as contemplated under Section 33(2)(b) of the Industrial Disputes Act. The Management has failed to convince the authority with regard to the statutory requirements and hence, they cannot be granted a second opportunity to fill up the lacuna.

6. We have considered the submissions made on either side and perused the materials available on record.

7. As rightly pointed out by the learned counsel for the second respondent, admittedly, one month salary has not been paid as contemplated under Section 33(2)(b) of the Industrial Disputes Act before passing an order of dismissal. The Management has not even filed the enquiry report or the record of enquiry proceedings before the authority to establish that the enquiry was conducted in a fair manner after providing reasonable opportunity to the workman. After the approval application was rejected, the writ petition came to be filed after a period of two years.



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8. In view of the above, the Writ Court has rightly dismissed the writ petition. We do not find any reasons to interfere with the order of the Writ Court and there are no merits in the writ appeal, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K., J.) (R.V., J.)
18.09.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
am

To

The Special Deputy Commissioner of Labour,
Chennai-600 006.



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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

am

ORDER MADE IN
W.A(MD)No.748 of 2020

18.09.2025