



W.P(MD)No.30097 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.30097 of 2024

and

W.M.P.(MD)Nos.25326 of 2024 & 1204 of 2025

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Bye-pass Road,
District Collectorate Post, Dindigul.

... Petitioner

Vs.

1.The Special Joint Commissioner of Labour,
Chennai-6.

2.S.Balakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records on the file of the 1st respondent pertaining to the proceedings AP.No.62 of 2023, dated 15.04.2024 and quash the same.

For Petitioner : Mr.S.C.Herold Singh

For R1 : Mr.P.Thambidurai,
Government Advocate

For R2 : M/s.R.Vijayalakshmi



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ORDER

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This Writ Petition is filed challenging the proceedings of the 1st respondent in AP.No.62 of 2023, dated 15.04.2024.

2.The learned counsel appearing for the petitioner would submit that the impugned order has to be quashed on the ground that it is a non-speaking order.

3.The learned counsel for the 2nd respondent would also fairly submit that the order passed by the 1st respondent is a non-speaking order. However, she insisted that for the last two years, the 2nd respondent is suffering from severe financial crisis without getting any wages. Therefore, she filed a direction petition in W.M.P.(MD)No.1204 of 2025, seeking a direction to the petitioner to pay full wages with inclusive of allowance as per Section 17B of the Industrial Disputes Act, 1947.

4.However, the learned counsel for the petitioner would submit that in the approval petition filed by the petitioner, the 1st respondent has passed one page cryptic order without application of mind, which is a non-speaking order. Therefore, he seeks indulgence of this Court that if the matter is remitted back



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to the 1st respondent for fresh consideration, the petitioner Management may have a better chance to make their submissions before the 1st respondent, for which, time may be fixed by this Court.

5.Considering the submissions made on either side, this Court is of the view that when an approval petition is filed, the 1st respondent is supposed to decide the matter as per the guidelines issued by this Court as well as by the Hon'ble Supreme Court. However, in the present case, nothing is considered by the 1st respondent. Therefore, the same is liable to be set aside, accordingly, it is set aside and the matter is remitted back to the 1st respondent for fresh consideration. The 1st respondent is directed to decide the matter, after affording sufficient opportunity of personal hearing to the parties concerned. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6.In view of the above, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

22.01.2025

NCC : Yes / No
Index : Yes / No
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KRISHNAN RAMASAMY, J

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To

The Special Joint Commissioner of Labour,
Chennai-6.

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22.01.2025