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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.30994 of 2024

and

W.M.P(MD)No.4401 of 2025

The General Manager/Administrator,
Tamil Nadu State Transport Corporation,
Madurai Limited,
Madurai Zone, Bye Pass Road,
Madurai - 625 010.

...Petitioner

Vs

1.The Joint Labour Commissioner,
Office of the Joint labour Commissioner,
Chennai.

2.M.Chellachamy

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorari**, calling for the records pertaining to the impugned order issued by the 1st respondent in A.P.No.116 of 2023, dated 24.04.2024, and quash the same.

For Petitioner : M/s.S.Gladson Michael Rajadurai

For Respondents : M/s.D.Farjana Ghoushia
Special Government Pleader for R1
Mr.S.Govindan for R2

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ORDER

The present writ petition has been filed by the Management of the Tamil Nadu State Transport Corporation challenging an order passed by the first respondent herein wherein the application filed under Section 33(2)(b) of the Industrial Disputes Act, 1947, has been rejected on the sole ground that the application has been presented belatedly after a period of five days.

2.A perusal of the records reveal that the second respondent herein was terminated on 20.07.2023. As per the order impugned in the writ petition, office of the first respondent has received a communication seeking approval on 25.07.2023. Based upon the said delay, the request for approval has been rejected.

3.According to the learned Counsel appearing for the writ petitioner, on the same day, the approval application was presented to the first respondent herein and it reached the legal section only on 25.07.2023, and therefore, there is no delay on the part of the petitioner Management.

4.The learned Special Government Pleader appearing for the first respondent has submitted that the application was received on 20.07.2023 in the Tapal section and it was forwarded to the legal section on 25.07.2023. The learned Counsel appearing for the second respondent has submitted that there is



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some dispute with regard to the date on which it was received by the office of the first respondent and hence, the matter may be remitted back to the authority concerned.

5.Considering the submissions made on either side, the order impugned in the writ petition is hereby set aside and the matter is remitted back to the file of first respondent herein to verify the correct date on which the approval application was received by the office of the first respondent. Based upon the same, order may be passed by the authority concerned within a period of 12(twelve) weeks from the date of receipt of a copy of this order.

6.With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

20.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

Note: The Registry is directed to return the original impugned order after obtaining due signature from the learned Counsel appearing for the petitioner.



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R.VIJAYAKUMAR, J.

RJR

To

The Joint Labour Commissioner,
Office of the Joint labour Commissioner,
Chennai.

W.P.(MD)No.30994 of 2024

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