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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17-03-2026**

CORAM

**THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM**

**AND**

**THE HON'BLE MR.JUSTICE K. SURENDER**

**WA No. 709 of 2026**

The Management  
Rep.by its General Manager,  
Tamil Nadu State Transport Corporation (Salem)  
Ltd,  
Bharathipuram, Salem Main Road,  
Dharmapuri 636705.

..Appellant(s)

Vs

1. The Special Joint Commissioner  
DMS Campus,  
Anna Salai,  
Chennai.
2. P. Sirinivasan  
S/o.Perumal,  
Kangojikothur Village and Post,  
Krishnagiri Dist 635 121.

..Respondent(s)

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 19.02.2025 passed by this Court in WP.No. 5397/2025.

For Appellant(s):

Mr.Anand Gopalan for Mr.K.Raja

For Respondent(s):

Mr.R.Kumaravel  
Additional Government Pleader for R1  
Mr.M.Venkatesh for R2



## **JUDGMENT**

**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

Under assail is the writ order dated 19.02.2025 passed in W.P.No. 5397/2025.

2. Writ petitioner/management is the appellant before this Court. Second respondent/workman was dismissed from service on 22.12.2023 by the appellant management. Approval petition filed before the Labour Court was dismissed, and thus, management preferred a writ petition. Writ Court also dismissed the writ petition by confirming the order of the Labour Court, mainly on the ground that there was a delay in filing the approval petition. The Writ Court has not considered the issues on merits, but dismissed the writ petition, only on the ground of delay in filing the approval petition.

3. Mr.Anand Gopalan, learned counsel for the petitioner would submit that second respondent/workman was dismissed from service on 22.12.2023. On the same day, approval petition was sent through registered post with acknowledgment due. 23.12.2023 and 24.12.2023 are Saturday and Sunday. 25.12.2025 was a holiday on account of Christmas festival. Therefore, approval petition was taken on file by the competent authority only on 28.12.2023. Therefore, there was no delay on the part of the management in filing the approval petition before the competent authority. This said fact was



neither considered by the Labour Court nor by the Writ Court.

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4. Learned counsel for the respondent has not disputed the fact that approval petition was sent through RPAD. However, contention of the respondent is that approval petition was taken on file on 28.12.2023. Therefore, there is a delay of six days.

5. Delay of one or two days in filing an approval petition cannot considered as a ground for dismissal of the petition. Certain mitigating factors in filing the approval petition within a day or two is to be taken into consideration by the Courts. Issues are to be decided on merits on all circumstances. Delay, unless it is enormous, Courts normally condone the delay.

6. Since the Writ Court has not adjudicated the issues on merits, this Court is inclined to remand the matter back to the Writ Court for adjudication of the issues raised between the parties on merits. The appellant/management has produced documents to show that they have sent the approval petition through RPAD on the same day of dismissal, which would be sufficient to comply with the provisions of the Act.

7. Therefore, the impugned writ order dated 19.02.2025 passed by the Court in WP.No. 5397 of 2025 is set aside. WP.No. 5397 of 2025 is remanded



back to the Writ Court for disposal on merits and in accordance with law as expeditiously as possible. With the above observations, the writ appeal is allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

**(S.M.S.,J.) (K.S.,J.)**  
**17-03-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

GD

To

1. The Special Joint Commissioner  
DMS Campus,  
Anna Salai,  
Chennai.



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**S.M.SUBRAMANIAM, J.  
AND  
K.SURENDER, J.**

**GD**

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