



WEB COPY

WP No. 7407 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P. No. 7407 of 2026

and W.M.P.No.7962 of 2026

The Management
Metropolitan Transport Corporation Chennai
Limited Pallavan House, Anna Salai,
Chennai 600 002

..Petitioner(s)

Vs

1. The Special Joint Commissioner of Labour
Authority under Industrial Disputes Act,
DMS Compound,
Teynampet,
Chennai-600 006
2. Thiru S Nagarajan
Ex-Conductor, St. No.C13726,
S/o. Soundararajan,
Door No 5/2 7 Sakthi Nagar 3RD Street
Sulaimedu,
Chennai 600 094

..Respondent(s)

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to his proceedings in A.P. No. 380 of 2013 dated 16.10.2024 and quash the same and consequently allow the approval petition filed by the petitioner management in A.P. No. 380 of 2013.



For Petitioner(s): Mr. A.Vinothraj

For Respondent(s): Mr. M. Rajendiran
Additional Government Pleader for R1

Mr.K.Malaikannu for R2

ORDER

The Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to his proceedings in A.P.No. 380 of 2013 dated 16.10.2024 and QUASH the same and consequently allow the approval petition filed by the petitioner management in A.P. No. 380 of 2013.

2. The learned counsel for the petitioner Transport Corporation would submit that the 2nd respondent was working as a Conductor attached to Vadapalani Depot under the petitioner Corporation. It is stated that the second respondent had remained in unauthorised absence from 28.07.2011 onwards. In view of the unauthorised absence, disciplinary proceedings were initiated against the second respondent. Upon completion of the enquiry and on consideration of the findings of the Enquiry Officer, the petitioner Management passed a final order of removal from service dated 25.05.2013. Thereafter, the petitioner Corporation filed an Approval Petition under Section 33(2)(b) of the



Industrial Disputes Act, 1947, before the first respondent in A.P.No.380 of 2013, seeking approval of the order of removal. However, the first respondent

rejected the approval petition by order dated 29.08.2016 on the ground of delay.

Aggrieved by the same, the petitioner Corporation filed a Writ Petition before this Court in W.P.No.9663 of 2017, and this Court, by order dated 25.11.2022, remanded the matter to the first respondent for fresh consideration. Pursuant to the remand, the first respondent again considered the matter and passed the impugned order dated 16.10.2024, rejecting the approval petition filed by the petitioner. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that the unauthorised absence of the second respondent was clearly established before the Labour Court. However, the first respondent had rejected the approval petition mainly on the ground that the simultaneous application was not filed within time and that there was a delay. According to the petitioner, the delay has been properly explained, and the first respondent ought not to have rejected the approval petition on such a technical ground.



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4. The learned counsel for the petitioner submits that while considering the approval petition under Section 33(2)(b), the Labour Court is required to examine the matter in the light of the principles laid down by the Apex Court in the case of ***Lalla Ram Vs. Managment of D.C.M. Chemicals Works Ltd. & Ors.*** reported in ***AIR 1978 SC 1004***. It is contended that the Labour Court failed to apply the said principles in the proper perspective while rejecting the approval petition.

5. *Per contra*, the learned counsel for the second respondent submitted that the order of termination was issued on 25.05.2013, whereas the approval petition was filed only on 30.05.2013. According to him, the delay of five days in filing the approval petition has not been satisfactorily explained. He further submitted that the Labour Court had considered the matter in the light of the decision of the Hon'ble Supreme Court in ***Lalla Ram Vs. Managment of D.C.M. Chemicals Works Ltd. & Ors.*** and therefore, the impugned order does not warrant interference by this Court.

6. The learned counsel for the second respondent, on instructions, would submit that this Court may reduce the backwages from 100% to 30% and issue a



direction to the petitioner to pay backwages from the date of termination till the date of retirement viz., 31.03.2023 and this Court may also grant continuity of service, revision of pay in respect of 30%, encashment of leave, provident fund, gratuity and pension. An affidavit dated 09.03.2026 has also been filed by the second respondent to that effect.

7. On perusal of the records, it is seen that the petitioner Corporation filed an approval petition under Section 32(2)(b) of the Industrial Disputes Act, 1947, before the 1st respondent after a five-day delay. The same was not filed simultaneously, as per the principles laid down in ***Lalla Ram Vs. Managment of D.C.M. Chemicals Works Ltd. & Ors.***; hence, the 1st respondent rightly rejected the approval petition. However, considering the submission made by the learned counsel for the second respondent/workman and his affidavit dated 09.03.2026, this Court passes the following directions:-

1. The petitioner Transport Corporation shall grant the benefit of continuity of service to the second respondent from the date of termination till the date of his retirement.
2. The second respondent shall be entitled to 30% of the back wages from the date of termination till the date of his retirement, i.e., 31.03.2023.



3. The petitioner shall extend the revision of pay on the basis of 30% wages and calculate the consequential service and retiral benefits accordingly.

4. The petitioner shall also extend Provident Fund, Gratuity, Pension benefits and leave encashment to the second respondent.

5. Such exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs.

12-03-2026

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

Asi



To

1. The Special Joint Commissioner of Labour
Authority under Industrial Disputes Act,
DMS Compound, Teynampet,
Chennai-600 006.
2. Thiru S Nagarajan
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M.DHANDAPANI, J.

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