



WEB COPY

W.P. No. 7843 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. 7843 of 2026

and W.M.P.No.8454 of 2026

The Management
Rep. by its General Manager,
Tamil Nadu State Transport Corporation VPM Ltd.,
Kancheepuram Region,
Ponnerilarai near Karapettai post,
Chennai-Bangalore High ways, Kancheepuram
District-631 552

..Petitioner(s)

Vs

S.Baskaran (Died)

1. Jawahar, Kadambur Village,
Kambhalam Poondi Post,
Maduranthagam Taluka,
Kancheepuram District.
2. Diwakar
Kadambur Village, Kambhalam Poondi Post,
Maduranthagam Taluka, Kancheepuram District.
3. Vidyakar
Kadambur Village, Kambhalam Poondi Post,
Maduranthagam Taluka,
Kancheepuram District.
4. The Special Joint Commission of labour
D.M.S. Campus, Chennai.



..Respondent(s)

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari calling for the records in A.P.No.01 of 2016 passed by the 4th respondent, the Special Joint Commissioner for Labour, Chennai dated 04.07.2025 and quash the same.

For Petitioner(s): Ms.S Pavithra

For Respondent(s): Mr.S.T.Varadharajulu for R1 to R3

Mr.R.Murthi, Government Advocate for R4

ORDER

The Writ Petition has been filed for the issuance of a Writ of Certiorari calling for the records in A.P.No.01 of 2016 passed by the 4th respondent, the Special Joint Commissioner for Labour, Chennai, dated 10.01.2024 (*in the prayer of the Writ Petition, the date of impugned order has erroneously mentioned as 04.07.2025 instead of 10.01.2024*) and quash the same.

2. The learned counsel for the petitioner Transport Corporation would submit that the father of the private respondents namely, S. Baskaran, was appointed as a Conductor in the petitioner Transport Corporation on 13.05.1988 and was made permanent on 01.07.1989. Subsequently, the said workman remained in unauthorised absence from 31.01.2013 to 21.08.2013. In view of



the said unauthorised absence, a charge memo dated 20.05.2013 was issued to the workman and disciplinary proceedings were initiated. Upon completion of the enquiry and on consideration of the findings of the Enquiry Officer, the petitioner Management passed a final order removing the workman from service on 14.03.2014.

3. Thereafter, the petitioner Corporation filed an Approval Petition under Section 33(2)(b) of the Industrial Disputes Act, 1947, before the 4th respondent / Special Joint Commissioner for Labour, Chennai, in A.P.No.01 of 2016, seeking approval of the order of removal. However, the 4th respondent rejected the approval petition by order dated 10.01.2024 on the ground that the petition was not filed simultaneously and that there was delay in filing the same.

4. In the meanwhile, the workman died on 25.02.2019 and consequently, the petitioner impleaded the legal heirs of the deceased workman as respondents 1 to 3. Aggrieved by the order of the 4th respondent rejecting the approval petition, the present Writ Petition has been filed by the petitioner Transport Corporation.



5. The learned counsel for the petitioner submitted that the unauthorised absence of the respondent workman was clearly established before the Labour Court. However, the 4th respondent rejected the approval petition mainly on the ground that the simultaneous application was not filed within time. According to the petitioner, the delay was properly explained, and therefore, the approval petition ought not to have been rejected on a mere technical ground.

6. The learned counsel for the petitioner further submitted 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.

7. *Per contra*, the learned counsel for the private respondents submitted that though the order of termination was issued as against the deceased workman as early as on 14.03.2014, the approval petition was filed only on 24.03.2014. According to him, the delay 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.

8. Upon perusal of the records, it is seen that though the order of termination was issued on 14.03.2014, the approval petition was filed only on 24.03.2014. Thus, there was delay in filing the approval petition and the delay has not been explained properly, hence, the 4th respondent rightly rejected the approval petition. This Court is of the view that the order of dismissal from service imposed for the unauthorised absence of the deceased workman appears to be very harsh.

9. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the private respondents, this Court passes the following directions:-

1. The petitioner Transport Corporation shall grant the benefit of continuity of service to the deceased workman from the date of termination till the date of his demise.
2. The legal heirs of the deceased workman shall be entitled to 50% of the back wages from the date of termination till the date of the demise of the deceased workman.



3. The petitioner shall extend the revision of pay on the basis of 50% 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 legal heirs of the deceased workman.

5. Since the approval petition came to be dismissed on 10.01.2024, i.e. nearly five years after the demise of the deceased workman, the legal heirs shall also be entitled to the terminal benefits of the deceased workman along with interest at the rate of 6% per annum from the date of the demise till the date of settlement.

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

10. 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. Jawahar,
Kadambur village,
Kambhalam Poondi Post,
Maduranthagam Taluka,
Kancheepuram District.
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M.DHANDAPANI, J.

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