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W.A.No.672 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.A.No.672 of 2026

and

C.M.P.No.6493 of 2026

1. The Chairman & Managing Director
M/s.Bharat Electronics Limited
Outer Ring Road, Nagavara
Bengaluru – 560 045.
 2. The General Manager – HR
M/s.Bharat Electronics Limited
Outer Ring Road, Nagavara
Bengaluru – 560 045.
 3. The General Manager
M/s.Bharat Electronics Limited
Nandambakkam
Chennai-600 089
Represented by General Manager
- ... Appellants

vs.

1. The Secretary
BEL – TEX Employees Union
M/s.Bharat Electronics Limited
Nandambakkam
Chennai-600 089.

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2.

L.Singaravelu
Junior Section Officer (Dismissed Employee)
Employee No.209556
Plot No.26, 19th Cross Street
Padmavathy Nagar Extension
Madambakkam, Chennai-600 126.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 29.01.2026 passed in W.P.No.39721 of 2025.

For Appellants	:	Mr.Anand Gopalan M/s.Advit Law Chambers
For Respondents	:	Mr.L.Singaravelu second respondent / party-in-person

J U D G M E N T

[Made by **S. M. SUBRAMANIAM, J.,**]

Under assail is the writ order dated 29.01.2026 passed in W.P.No.39721 of 2025.

2. The appellants herein filed an approval petition under Section 33(2)(b) of the Industrial Disputes Act, 1947 {hereinafter "ID Act" for the sake of brevity} seeking approval of the order of dismissal passed against the second respondent. The dismissal order has been passed in a



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departmental disciplinary proceedings.

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3. The Central Government Industrial-cum-Labour Court, Chennai, passed an order on 24.04.2024 which reads as follows:

“Accordingly, ‘Application under sub-section (2) (b) of Section 33 of the Industrial Disputes Act, 1947’ in question is not pressed.”

4. The appellants preferred a recall petition which was dismissed on the ground that at the time of passing the order dated 24.04.2024, the counsel for Management was present. Against the dismissal order, the writ petition came to be instituted.

5. The learned Single Judge also held that the learned counsel for the Management was very much present when the Central Government Industrial-cum-Labour Court, Chennai, passed an order recording their submission ‘not pressed’ and therefore, the writ Court dismissed the writ petition. Challenging the said order, the present intra-Court appeal has been instituted.

6. Mr.Anand Gopalan, learned counsel for the appellants, would mainly contend that no written memo seeking withdrawal of the approval petition was filed. Though the learned counsel for the appellants was present before the Tribunal, he was not in a position to defend his case,

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since the Presiding Officer emphasised the learned counsel to withdraw the petition as not pressed, failing which, the Court will impose a cost of Rs.1,00,000/-. To substantiate the said facts, the learned counsel would rely on sworn affidavit filed by one Mr.T.Madhusudhan Reddy, counsel on record for appellants in I.A.No.1 of 2025 in M.A.No.1 of 2024 in I.D.No.30 of 2022 particularly, paragraph No.7, which reads as follows:

“7. It is respectfully stated that at the spur of the moment being worried about the costs of Rs.1 Lakh, but without considering the undue prejudice that would be caused to the petitioners if the Approval Petition was dismissed, we concurred without the mandate of the Management to not to press it to avoid costs. Pursuant thereto, the Approval Petition was dismissed by this Hon’ble Tribunal, albeit we had not made any written endorsement to that effect on it. It is further respectfully stated that the petitioners thus have suffered gross injustice and it is settled law that no client shall suffer for the acts of faults of its attorney.”

7. The said factual position was reiterated before the writ Court and the writ Court also recorded the said fact in the impugned writ order in paragraph No.6 which reads as follows:

“6..... He would submit that on the day



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of hearing, it is true that the Bench directed the counsel that it will impose costs of Rs.1,00,000/-. According to him, after considering the objections to the Approval Petition, the Bench had made such an observation.”

8. Relying on the affidavit filed by the counsel appearing for the Management as well as the submissions made before the writ Court, which was recorded in paragraph No.6, the learned counsel for the appellants would contend that there was pressure on the counsel to act and therefore, such an oral submission in the absence of any written memo or endorsement in the case bundle, need not be held against the Management for effective adjudication of the issues on merits in the approval petition filed under Section 33(2)(b) of ID Act.

9. Mr.L.Singaravelu, second respondent / party-in-person, would oppose by stating that he had filed a detailed counter in the approval petition and placed his arguments before the Tribunal effectively and the Tribunal also formed an opinion that it was a fit case for imposing costs and thereafter, the counsel has chosen to not press the petition and thus, the writ Court considered the entire aspects and dismissed the petition. He would contend that he is being harassed by the Management during Covid-19 period and even now, the salary has not been paid to him despite



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the fact that the approval petition is pending. Thus, the present writ appeal is to be rejected.

10. This Court has heard the arguments advanced by the parties to the *lis* on hand.

11. The uncontroverted facts between the parties would show that the second respondent employee was dismissed from service after completing the departmental disciplinary proceedings. Therefore, the Management preferred an approval petition under Section 33(2)(b) of ID Act.

12. The second respondent workman filed a detailed counter in the approval petition. During the course of arguments and after hearing the employee, the Tribunal expressed its view that costs of Rs.1,00,000/- will be imposed if the approval petition was not pressed. Under those circumstances, the oral submission appears to have been made by the learned counsel appearing for the Management that the petition may be "not pressed".

13. However, the second respondent / party-in-person would also agree that neither endorsement has been made in the case bundle nor a written memo has been filed seeking withdrawal of the approval petition. In the absence of any such written memo or necessary endorsement in the



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case bundle for withdrawal of the approval petition, the Tribunal is not expected to pass an order dismissing the approval petition as "not pressed".

14. Rights of the parties have to be adjudicated on merits at all circumstances. Withdrawal of the petition must be voluntary and any kind of direct or indirect force from any quarter is not desirable. Therefore, the Courts putting a suggestion for withdrawal of the petition by itself is not to be considered as a good practice. Any such decision for withdrawal of petition or as not pressed or in particular interlocutory application must be voluntarily made by the parties and moreso, it must be in writing or necessary endorsement ought to be made in the case bundle by the counsel on record.

15. However, in the present case, certain allegations are made against the Tribunal that there was a pressure on the counsel, who appeared for the Management for not pressing the petition and in the event of failure, the costs of Rs.1,00,000/- will be imposed. Under those circumstances, based on the oral submission made by the learned counsel on record, who appeared for the Management, the order dated 24.04.2024 came to be passed.



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16. The above factum are not seriously disputed between the parties. Therefore, this Court is of the view that the matter is to be decided on merits and in accordance with law, by hearing the parties in full. Consequently, the impugned writ order dated 29.01.2026 passed in W.P.No.39721 of 2025 as well as the order dated 24.04.2024 passed in M.A.No.1 of 2024 in I.D.No.30 of 2022 are set aside and the matter is remanded back to the Central Government Industrial-cum-Labour Court, Chennai, for fresh adjudication of approval petition filed by the Management on merits and in accordance with law.

17. The party-in-person would raise serious objections regarding the prolongation and protraction of the petition at the instance of the Management. His apprehension is necessarily to be considered by this Court, since the right of a workman is to be decided as expeditiously as possible.

18. Taking note of the above submission made by the party-in-person, this Court is inclined to request the Central Government Industrial-cum-Labour Court, Chennai, to dispose of the approval petition, within a period of two months from the date of receipt of a copy of this order. The parties are directed to cooperate for the effective disposal of the case by avoiding adjournments. Even adjournments at the instance of either of the



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parties may be granted only by recording reasons and on genuine grounds.

19. With the above observations, the Writ Appeal stands allowed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
09.03.2026

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

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

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