



W.A.No.3549 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

W.A.No.3549 of 2025
and CMP.No.29297 of 2025

The Management,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Division, Trichy-620 001

... Appellant

Vs.

1.P.Dhanaraj

2.The Special Joint Commissioner of Labour,
Chennai.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent,
praying to allow the writ appeal and set aside the order dated 27.11.2023
passed in W.P.No.31429 of 2018.

For Appellant : Mr.M.Murali Vinodh



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For Respondents : Mr.M.Rajasekar for R1

Mr.UM.Ravichandran,
Special Government Pleader for R2

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH.J)

On a set of proven charges for unauthorized absence, the appellant Corporation had passed an order of dismissal dated 11.07.2013. Since certain conciliation proceedings were pending at the relevant point of time, the Corporation had filed an application under Section 33(2)(b) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') before the Special Joint Commissioner of Labour, Chennai/second respondent herein. This application was rejected on 28.02.2018 on the ground that there was no *prima facie* case before the Inquiry Officer and the inquiry report was not on the basis of any legal evidence, apart from holding that the punishment was disproportionate to the charges and therefore, held it to be an act of victimisation. The challenge by the Corporation to this rejection order before the Writ Court in WP.No.31429 of 2018 was also



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dismissed on 27.11.2023, which order is put to challenge before us in the present Writ Appeal.

2. In the case of '*Lalla Ram Vs. D.C.M. Chemical Works Ltd. & another*' reported in '*(1978) 3 Supreme Court Cases 1*', the Hon'ble Supreme Court had set forth certain circumstances under which, the Authority under the Industrial Disputes Act can reject an application filed under Section 33C(2) of the Act. Among those circumstances, when it is established that there is no *prima facie* case before the Inquiry Officer or when the inquiry is concluded without any legal evidence or when the action taken against the workman is an act of victimisation, the Authority will be well within its power to reject the same.

3. In the instant case, the Authority had recorded that the Corporation had failed to examine the Assistant Branch Manager to whom the first respondent had given prior intimation about his leave and thus, held that there was neither *prima facie* evidence before the Inquiry Officer nor his report was based on legal evidence. The Authority had also



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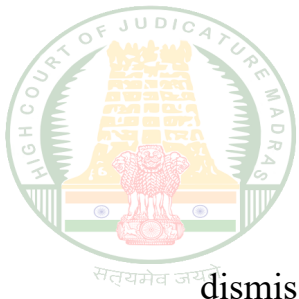
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recorded that there was no material before the Inquiry Officer about any adverse service records and therefore, the dismissal of the workman for unauthorized absence is too harsh, which amounts to an act of victimisation.

4. When three of the circumstances set forth in *Lalla Ram's case* (*supra*) has been violated by the Corporation in the Approval Petition under Section 33(2)(b) of the Act, the application deserves to be rejected, which has been rightly done by the Authority also. In these circumstances, we do not find any reasons or valid grounds to interfere with either the order of the second respondent or the order passed in the Writ Petition in WP.No.31429 of 2018.

5. Accordingly, the Writ Appeal stands dismissed.

6. In view of the dismissal of this Writ Appeal, the appellant Corporation shall forthwith treat the first respondent herein, as if he had continued in his services as a driver, without reference to the order of



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dismissal dated 11.07.2013 and extend him all the service and monetary benefits, including the arrears of salary.

7. In case, the first respondent has already reached the age of superannuation, his service and monetary benefits shall be paid till his age of superannuation and the appellant Corporation shall pass necessary orders, disbursing the pensionary benefits also. In such an event, the Corporation will be at liberty to deduct the first respondent's contribution towards the pension funds from the arrears of monetary benefits. All these orders shall be passed atleast within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V.,J]

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

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M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

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To

The Special Joint Commissioner of Labour,
Chennai.

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