

CIVIL APPELLATE JURISDICTION

M.SAKRAVARTHI VINAYAKA SARAVANAN APPELLANT(S)

THE MANAGEMENT TAMIL NADU STATE RESPONDENT(S)
TRANSPORT CORPORATION (KUMBAKONAM)
LIMITED & ANR.

1. Leave granted.
2. We have heard learned counsel for the parties.
3. Appellant has taken exception to the Order dated 29.02.2024 passed by a Division Bench of the High Court of Judicature at Madras (briefly the 'High Court' hereinafter) allowing the Writ Appeal of the respondent.
4. Appellant was a workman in the service of Tamil Nadu State Transport Corporation (Kumbakonam) Limited. On the allegation of misappropriation of funds, a domestic inquiry was held against the appellant workman whereafter he was dismissed from service on 29.06.2019.
5. Approval petition No.107 of 2019 was filed by the respondent-management before the Special Joint Labour Commissioner, Chennai,

under Section 33(2) of the Industrial Disputes Act, 1947.

6. By order dated 05.03.2021, the Special Joint Labour Commissioner rejected the approval petition as being belated. Additionally, the Special Joint Labour Commissioner on merit also found fault with the domestic inquiry conducted by the respondent-management against the appellant workman whereafter it was held that such dismissal amounted to unfair labour practice with the intention to victimise the workman appellant.

7. Respondent-management thereafter filed a Writ Petition being Writ Petition No.14191/2021 before a Single Bench of the High Court assailing the illegality and correctness of the aforesaid order dated 05.03.2021. Learned Single Judge *vide* the order dated 01.08.2021 held that there was a delay of 6 days in reaching the authority for approval request under Section 33(2) of the Industrial Disputes Act, 1947. Therefore, learned Single Judge held that the approval petition was rightly rejected by the Special Joint Labour Commissioner on account of delay in forwarding the same.

8. This order of the Learned Single Judge came to be challenged by the respondent-management before the Division Bench in Writ Appeal No.3077/2021. By the impugned judgment and Order dated 29.02.2024, the Division Bench held that there was no delay in filing the approval petition before the competent authority. While allowing the Writ Appeal, the order of the learned Single Judge dated 01.08.2021 has been set aside.

9. Learned counsel for the appellant workman has strenuously argued that the Division Bench could not have arrived at the conclusion that there was no delay in filing the approval petition as there was no such pleading to that effect nor any document exhibited. Only in the course of the hearing, the postal receipt was placed before the Court. On the other hand, learned counsel for the respondent-management submits that the view taken by the Division Bench is correct. This point has been raised in the memo of appeal by the respondent-appellant.

10. We are broadly in agreement with the view taken by the Division Bench on the question of delay in dispatching the approval petition. Section 33(2) of the Industrial Disputes Act, 1947 does not prescribe any time limit for making of such application. Ofcourse, it goes without saying that since the subject matter of such application is in respect of conditions of service of a workman, the same has to be made promptly. However, in the facts and circumstances of the case, a delay of 6 days may not be fatal.

11. Though an endeavour was made by learned senior counsel for the respondent-management to question the interference by the Special Joint Labour Commissioner, we are of the view that when the Division Bench took the view that there was no delay in filing the approval petition, it ought to have remanded the matter back to the forum of the learned Single Judge to consider the decision of the Special Joint Labour Commissioner on merits.

12. In view thereof, while not interfering with the reasonings and findings given by the Division Bench in paragraph 6 of the impugned

judgment and order, we remand the matter back to the learned Single Judge for adjudication of the Writ Petition on merit. We make it clear that we have not expressed any opinion on merits and all contention on either side are kept open save and except the question of delay in dispatching the approval petition. Since it is a matter relating to a workman and the Writ Petition is of the year 2021, we would request the learned Single Judge to expedite the hearing of the Writ Petition and in any view to dispose of the same within a maximum period of 6 months from today.

13. It will be open to the appellant-workman to make requisite application before the learned Single Judge under Section 17B of the Industrial Disputes Act, 1947.

14. Appeal is accordingly disposed of.

15. Pending application(s), if any, shall also stand disposed of.

.....J.
(UJJAL BHUYAN)

.....J.
(ATUL S. CHANDURKAR)

NEW DELHI;
August 12th, 2026.
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S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 14028/2024

[Arising out of impugned final judgment and order dated 29-02-2024 in WA No. 3077/2021 passed by the High Court of Judicature at Madras]

M.SAKRAVARTHI VINAYAKA SARAVANAN

Petitioner(s)

VERSUS

THE MANAGEMENT TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM)
LIMITED & ANR. Respondent(s)

IA No. 141349/2024 - EXEMPTION FROM FILING O.T.

Date : 12-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Mr. V Ramasubramanian, Adv.
Mr. A. Lakshminarayanan, AOR
Mr. K Kathiresan, Adv.
Mr. U Kathiravan, Adv.

For Respondent(s) :Ms. Haripriya Padmanabhan, Sr. A.A.G.
Ms. Kanika Kalaiyarasan, AOR

Ms. G. Indira, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Appeal is disposed of in terms of the signed order.
2. Pending applications, if any, shall also stand disposed of.

(IRAMNAZ)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)

(Signed order is placed on the file)