

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

Writ Petition No.30351 of 2018

Sivakumar Krishnamurthy

...Petitioner

Vs.

1.The Special Joint Commissioner of Labour,
Appellate Authority under
The Tamil Nadu Shops and
Establishments Act,
Chennai - 600 006.

2.The Management of Cognizant Technology
Solutions Private Limited,
Represented by its Vice-President-
Human Resources,
New No.365, Old No.110
Menon Eternity Building,
St. Mary's Road, Alwarpet,
Chennai 600 018.

...Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to pass an order in the nature of Writ of Certiorarified Mandamus, to call for the records in relation to the order dated 07.09.2018 passed by the 1st respondent in TNSE 1/IA 6/2018 and quash the same as illegal and arbitrary and consequently direct the 1st respondent to receive and mark the additional documents.

For Petitioner : Mr.S. Mahesh Kumar

For Respondents : Mr.D.Raghu,

Government Advocate for R1

Mr.Haroon L.Rasheed for R2

O R D E R

The petitioner has filed the Writ Petition to set aside the order dated 07.09.2018 passed by the 1st respondent in TNSE 1/IA 6/2018 and to direct the 1st respondent to receive and mark the additional documents.

2. The learned counsel for the petitioner has agreed that the application filed by him is not in the correct format. The petitioner should have filed an application for marking of the additional documents, pending appeal filed before the appellate authority. But the appellate authority without considering the application on merits dismissed the said application by stating that the issue to be decided at the time of final disposal of the main appeal.

2. In view of the aforesaid submission made by the learned counsel for the petitioner, the order passed by the 1st respondent is liable to be set aside. Therefore, with the consent of parties, this Court is inclined to pass the following order.

"(i) The Writ Petitioner is permitted to file a fresh application with the proper prayer to receive the additional documents, if so advised within a period of one week.

(ii) If any such application is filed after serving notice on the other side and the said application is in order, the appellate authority shall number the application and dispose of the same as expeditiously as possible preferably within a period of three (3) weeks thereafter.

(iii) as instructions, both the parties have undertaken that they will co-operate for the enquiry. Hence, both the parties are directed to co-operate for further proceedings"

3. Accordingly, the Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To
The Special Joint Commissioner of Labour,
Appellate Authority under
The Tamil Nadu Shops and Establishments Act,
Chennai - 600 006.

W.P. No.30351 of 2018

GSP(17/12/2018)