

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.09.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.26925 of 2019

Krishnamurthy Sivakumar

...Petitioner

..Vs..

- 1.The Commissioner of Labour,
Office of the Commissioner of Labour,
Chennai - 600 006.
- 2.Tmt.M.Shanthi,
The Special Deputy Commissioner of Labour,
Office of the Commissioner of Labour,
The Tamil Nadu Shops and Establishments Act,
Chennai - 600 006.
- 3.The Management of Cognizant Technology
Solutions Private Limited,
rep by its Vice-President-Human Resources,
New No.365, Old No.110,
Menon Eternity Building,
St.Mary's Road, Alwarpet, Chennai - 600 018.

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to transfer the proceedings pending before the 2nd respondent bearing T.N.S.E.No.01/01/2016 to some other competent authority for expeditious adjudication and disposal within a reasonable time frame to be fixed by this Court.

For Petitioner : Mr.S.Mahesh Kumar

For Respondents : Mr.M.Elumalai, GA
(for R.1 & R.2)
Mr.Anand Gopalan
for M/s.T.S.Gopalan & Company
(for R.3)

ORDER

The relief sought for in the present writ petition is for a direction to the first respondent to transfer proceedings pending before the second respondent bearing TN.S.E.No.01/01/2016 to some other competent authority for expeditious adjudication and disposal within a reasonable time period fixed by this Court.

2.The learned counsel for the petitioner would submit that there was an enormous delay in adjudicating the appeal filed before the second respondent in TN.S.E.No.01/01/2016. The learned counsel also states that after filing the written statements, the bundles were found missing and there was an enormous delay even to proceed with the matter by the second respondent. Though, certain grievances are addressed by the learned counsel for the petitioner, the learned counsel appearing on behalf of the respondent brought to the notice of this Court that missing bundle was reconstructed and arguments were completed and orders were reserved in the said appeal on 06.09.2019. it is brought to the notice of this Court that in normal circumstances, orders will be passed within a period of 30 days from the date on which they were reserved. Once, the orders were reserved by the Competent Authority, there is no point in transferring the appeal to some other Competent Authority and this Court does not interfere once the appeal was fully heard and the orders were reserved.

3.In the present case, appeal was heard fully and orders were reserved on 06.09.2019. This being the factum of the case, the second respondent is directed to pass orders on merits and in accordance with law as expeditiously as possible preferable within a period of six weeks from the date of receipt of copy of this order.

4.With these directions, the writ petition stands disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

mrn

To

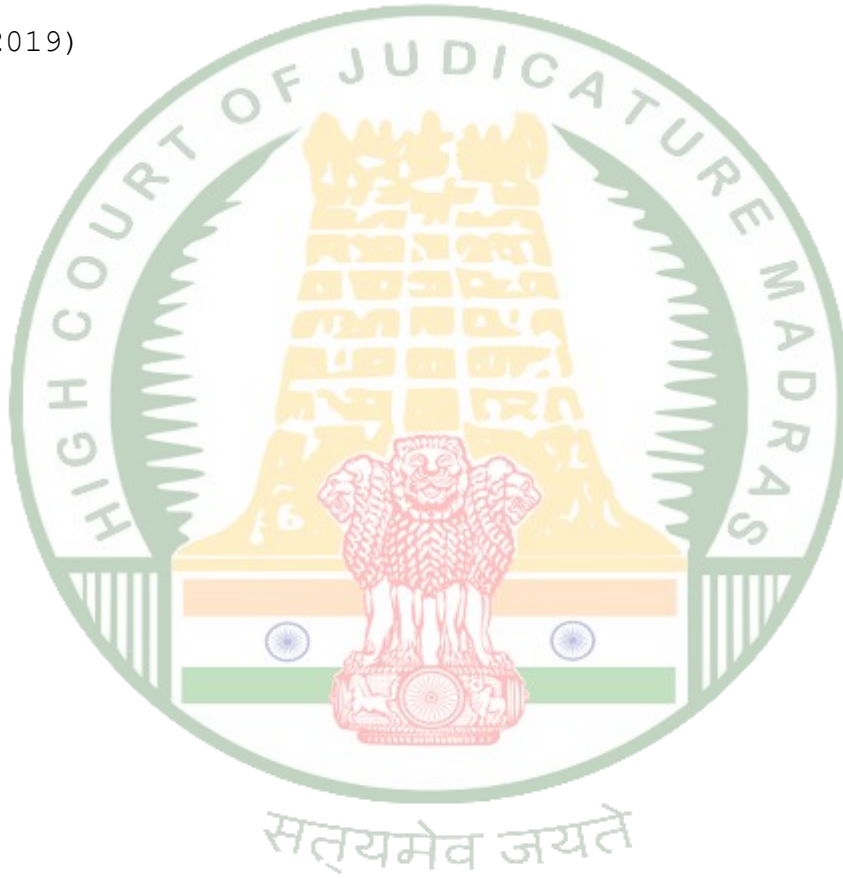
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Office of the Commissioner of Labour,
Chennai - 600 006.

2.The Special Deputy Commissioner of Labour,
Office of the Commissioner of Labour,
The Tamil Nadu Shops and Establishments Act,
Chennai - 600 006.

+1cc to M/S.Rohini Ravi Kumar, Advocate SR.78545
+1cc to M/S.T.S.Gopalan & co,Advocate, SR.77899
+1cc to the Government Pleader, SR.78427

W.P.No.26925 of 2019

SJ(CO)
CB(01/10/2019)



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