



WP.No.11384 of 2017

In the High Court of Judicature at Madras

Dated : 09.8.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.11384 of 2017

M/s.SPEL Semiconductor Limited,
Having its Registered Office and factory at
No.5, CMDA Industrial Estate, Maraimalai Nagar,
Kancheepuram District – 603 209.

...Petitioner

Vs

1. The Secretary to the Government,
(Labour & Employment),
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.
2. The President,
Indian National Engineering Employees Union,
INTUC Bhavan, No.210, MTH Road, SIDCO Estate,
Ambattur, Chennai – 600 098.
3. M/s.SPEL Employees Welfare Committee,
M/s.SPEL Semiconductor Ltd.,
No.5, CMDA Industrial Estate,
Maraimalainagar – 603 209

...Respondents



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PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified mandamus to call for the records relating to the Order passed in G.O.No.11 passed by the 1st respondent on 31.01.2017 and quash the above order and to direct the first respondent to grant permission sought for in the Application dated 01.12.2016.

For Petitioner	:	Mr.S.Sithirai Anandan
For Respondent-1	:	Mr.M.S.Prem Kumar, GA
For Respondent-2	:	Mr.S.Senthinathan
For Respondent-3	:	No Appearance

ORDER

This is a petition filed by the petitioner seeking to quash the order passed in G.O.No.11 passed by the 1st respondent on 31.01.2017 and to direct the first respondent to grant permission sought for in the application dated 01.12.2016.

2. It is the case of the petitioner that the petitioner company suffered huge loss in the year 2017 and due to which the petitioner company was not able to pay the monthly wages to the workmen. The Deputy Director,



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Industrial Safety and Health have filed several cases before the Deputy Commissioner of Labour – II, Chennai for non-payment of wages to the workmen within the wage period as stipulated under the Payment of Wages Act, 1935. Hence, the management approached first respondent seeking permission to retrench 136 employees who have turned to be surplus in the respective categories. However, the first respondent vide G.O.No.11 dated 31.01.2016 rejected the claim of the petitioner. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner submits that at the time of filing the application seeking retrenchment of the workmen before the first respondent, the petitioner management was not able to produce the balance sheet in order to establish the loss suffered by them. Hence, he prayed this Court to grant liberty to the petitioner management to make a fresh application along with all the necessary documents before the appropriate authority in the manner known to law.

4. On the above contentions heard the learned counsel appearing for



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the respondents 1 and 2 and perused the materials placed on record.

5. Recording the submission made by the learned counsel for the petitioner management, liberty is granted to the petitioner to file a fresh application if they sustained any loss along with all the necessary documents before the appropriate authority in the manner known to law.

6. Accordingly, this writ petition is dismissed. No costs.

09.8.2023

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Index : Yes (or) No

Neutral Citation : Yes (or) No

Speaking Order : Yes (or) No



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