



W.A.No.659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On : 08.04.2024

Pronounced On : 04.06.2024

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU

AND

THE HON'BLE MR. JUSTICE P. DHANABAL

W.A.No.659 of 2024

and CMP.No.4570 of 2024

Synamedia India Pvt. Ltd.,
I-Sprout Towers, 5th and 6th floor,
Rajiv Gandhi Salai,
O.M.R., Chennai 600 096.

... Appellant

Versus

1.S.Kameswari
2.Anirudh Subramanian
3.Ganga Subramanian
4.Joint Commissioner of Labour (Minimum Wages)
under the Tamil Nadu Shops and
Establishments Act also the Appellate Officer
Commissionerate of Labour, Teynampet, Chennai 600 006.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, pleased to

allow the writ appeal and set aside the order dated 07.02.2023 passed in

W.P.No.3156 of 2023.

For Appellant	:	Mr.Anand Gopalan for M/s. T.S.Gopalan & Co.
For Respondents	:	
for R1 to R3	:	Mr.Niranjan Rajagopalan
for R4	:	Mr.T.Chezhan, Addl Govt. Pleader.



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J U D G M E N T

WEB COPY Per J.NISHA BANU, J.

This writ appeal is filed by the appellant/Management as against the order of the learned Single Judge dated 07.02.2023 passed in W.P.No.3156 of 2023, whereby, the learned Single Judge, allowed the Writ Petition filed by the petitioners/legal heirs of the deceased employee and remanded the matter to the Joint Commissioner of Labour (Minimum Wages) under the Tamil Nadu Shops and Establishment Act with a direction to the authority to deal with the same on its own merits and pass final orders within a period of 12 weeks from the date of receipt of copy of the order.

2. The writ petition filed by the legal heirs of the deceased employee is for quashing the impugned proceedings of the Joint Commissioner of Labour/4th respondent herein, dated 26.07.2022 whereby the authority dismissed the appeal filed by the legal heirs of the deceased employee on the simple ground that the husband of the first petitioner had already died and hence nothing survives and the petitioner cannot maintain the appeal.

3. The case of the respondents 1 to 3/writ petitioners/legal heirs of the



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deceased employee is that the husband of the first petitioner was working in the appellant company. He was terminated from service by the appellant-company.

When the employee was about to challenge the termination, he died due to Covid complications on 11.06.2021. The legal heirs of the deceased employee filed appeal before the Joint Commissioner of Labour under Section 41(2) of the Tamil Nadu Shops and Establishments Act, 1947. The Authority did not go into the merits of the claim made by the legal heirs of the deceased employee and dismissed the appeal on the ground that the employee died and nothing survives.

4. When the legal heirs of the deceased employee approached the writ court for the relief of a direction to the Joint Commissioner of Labour to deal with the appeal, the learned Single Judge pointed out that the Joint Commissioner of Labour went wrong in dismissing the appeal on the ground nothing survives in the appeal. The writ petitioners/legal heirs are entitled for many other relief except reinstatement into service. There will be continuation of Employee Provident Fund Insurance coverage, Medical Insurance coverage, Life Insurance coverage and compensation in favour of the petitioners. The learned single Judge further found that the authority failed to take note of all these reliefs in the appeal and the mere fact that the husband of the first



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petitioner died, does not in any way take away the right of the petitioners to claim for the above reliefs.

5. The learned counsel for the appellant-company would submit that after the death of the employee, the legal heirs of the employee cannot be impleaded and they will not come under the definition of 'workman'.

6. Per contra, it is the contention of the learned counsel for the respondents-legal heirs of the employee that since the employee died due to Covid-19 complications, he was unable to challenge the order of termination. Therefore, the legal heirs filed appeal before the Joint Commissioner of Labour under Section 41 of the Tamil Nadu Shops and Establishments Act.

7. It is settled proposition of law that Labour legislation enacted to preserve the industrial peace and harmony and welfare of the workmen. On the death of the workman, his heirs and legal representatives, representing the estate are entitled to continue the legal proceedings. Therefore, the remand of the matter back to the file of the Joint Commissioner of Labour to deal with the matter, is the proper approach. If the legal representatives are not permitted to continue the proceedings, the corresponding rights of the employee will be



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curtailed. There is a pious obligation on the part of the appellant-company to settle the benefits due to the deceased, if he is entitled to. Therefore, the 4th respondent-Joint Commissioner of Labour is the proper authority to deal with the claim made by the legal heirs of the deceased employee.

8. In such view of the matter, we dismiss the intra court writ appeal. The learned Single Judge was correct in remanding the matter back to the 4th respondent for fresh consideration of the issues before him. No costs.

(J.N.B, J.) (P.D.B, J.)

04.06.2024

Index : Yes /No

Speaking order : Yes /No

Neutral Citation Case : Yes /No

nvsri

To

Joint Commissioner of Labour (Minimum Wages)
under the Tamil Nadu Shops and
Establishments Act also the Appellate Officer
Commissionerate of Labour, Teynampet, Chennai 600 006.



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**J. NISHA BANU, J.
and
P.DHANABAL,J.**

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Judgment in
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