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W.P.No.29421 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.29421 of 2024

The Management,
Madha Dental College & Hospital,
Rep by V.Bagavad Gita, Principal,
Kundrathur,
Chennai 600 069, Tamil Nadu.

... Petitioner

Vs.

- 1.The Additional Labour Commissioner,
Madras, DMS Compound,
Labour Commissioner Office,
Chennai, Tamil Nadu 600 006.
- 2.The Joint Commissioner,
Madras, DMS Compound,
Labour Commissioner Office - II,
Chennai 600 006,
Tamil Nadu.
- 3.The Additional Labour Commissioner Conciliator - I,
Having Office at Plot No.PB2,
SIPCOT Campus,
Irungaattukottai, Sriperumbudur,
Kanchipuram District.
- 4.R.Tamilmani

... Respondents



W.P.No.29421 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the first respondent dated 30.11.2023 in PGA.No.24 of 2022 and quash the same.

For Petitioner : Ms.R.Danyuktaa Shruti
For Respondents : Mrs.M.Jayanthi, AGP for R1 to R3
Mrs.V.Porkodi for R4

ORDER

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records of the first respondent dated 30.11.2023 in PGA.No.24 of 2022 and quash the same.

2. Heard Ms.R.Danyuktaa Shruti, learned counsel for the petitioner, Mrs.M.Jayanthi, learned Additional Government Pleader for R1 to R3 and Mrs.V.Porkodi, learned counsel for R4 and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the second respondent authority has rightly held that the fourth respondent did not produce any document to show that he has been working in the petitioner Company for more than five years and had rightly rejected the same.



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4. On perusal of the impugned order of the first respondent, it is seen that the first respondent had chosen to accept the entries of dates made by the fourth respondent in Form 'N' submitted before the second respondent and with that particulars, the first respondent got convinced that the fourth respondent has completed five years and four months of service. So far as Form N is concerned, it is a self-declaration given by the employee himself by mentioning the date of joining and the date of termination of service. Without producing any documents to substantiate that those entries are true, it cannot be taken to be proved. However, the first respondent authority has accepted the very entries themselves as the substance to show that the fourth respondent has completed five years and four months of service.

5. While reversing the orders of the second respondent, the first respondent authority is expected to adduce reasons as to why he was not convinced with the order of the original authority. But, in the impugned order there is no reasons assigned and no materials have been appreciated for accepting the contention of the fourth respondent that he served five



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years and four months. Since the essential facts have not been appraised in a manner expected by law, I feel it is appropriate to remand the matter back to the file of the first respondent to re-appreciate the materials and pass orders afresh.

6. Accordingly, this Writ Petition is disposed and the matter is remanded back to the file of the first respondent to re-appreciate the materials by giving an opportunity to both parties for producing any additional materials and pass a fresh order within a period of four weeks from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

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