



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 3551 of 2024
and
C.M.P.No. 27511 of 2024

K.Muralidharan

...Appellant

Vs.

1.The Vice President,
Human Resources,
Cognizant Technology Solutions India Pvt. Ltd.,
6-8 floors, New No.165, Old No.110,
Menon Eternity Building,
St.Mary's Road, Alwarpet,
Chennai - 18.

2.The Senior Director,
Corporate Work Place Services (CWS),
Cognizant Tehnology Solutions Pvt., Ltd.
6-8 floors, New No.165, Old No.110,
Menon Eternity Building,
St.Mary's Road, Alwarpet,
Chennai - 18.

3.The Joint Commissioner of Labour,
(Minimum Wages)
Appellate Authority under Tamil Nadu
Shops & Establishment Act, 1947
DMS compound, Teynampet,
Chennai - 600 006.

...Respondents



Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 07.06.2024 made in W.P.No.34258 of 2023.

For Appellant : Mr.N.Suresh

For Respondents : Mr.R.Kumaravel

Additional Government Pleader for R3

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge in the appeal is to the order of the Writ Court made in W.P.No.34258 of 2023 dated 07.06.2024.

2. The appellant herein was working with the 1st respondent Company. The appellant went before the Appellate Authority under the Tamil Nadu Shops and Establishments Act, 1947, claiming that he was terminated without an enquiry. The Authority though wrote a 14 page order, the order lacks judicial determination of any of the questions that are required to be answered by the Authority in a proceedings of this nature. The first 5 pages of the order extracts the claim, the next 6 pages of the order extracts the written defence of the Management thereafter, Section 41 of the Act is re-produced and the Authority finally concludes that upon



considering the documents and the evidence placed on record, it reaches a conclusion that the dismissal is improper and therefore, the employee is entitled to reinstatement. Aggrieved, the Management came up with a Writ Petition.

3. The Writ Court found, the order does not demonstrate that the Authority had applied its mind and reached the conclusion. The Writ Court also found that in the order passed, there was no discussion of the material placed both by the workman as well as the management by the Shop Authority. On the said finding, the Writ Court while setting aside the order of the Authority, remitted the matter to the Authority to dispose of the same in accordance with law. Aggrieved, the workman is before this Court.

4. Though Mr.N.Suresh, learned counsel for the appellant would make a valiant effort to convince us to interfere with the order of the Writ Court, we are not persuaded to do so. We find that the order of the Authority under the Shop Act does not satisfy legal requirements. The Authority has, after extracting the pleadings and the contentions of the counsel, in the last paragraph observed that a perusal of the material placed



W.A.No. 3551 of 2

on record would show that the dismissal was improper. Such a disposal of a claim by a workman cannot at all be sustained. A duty is cast upon the Appellate Authority to analyse the evidence and come to a conclusion whether the dismissal is good or bad.

5. If the question as to the absence of a disciplinary enquiry was raised, the Authority must render a finding as to whether such enquiry is required or not. None of the above requirements have been carried out by the Authority in the order impugned in the Writ Petition. Hence, we see no merit in the appeal. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)
04.12.2024

kkn

Internet: Yes

Index: No

Speaking order

Neutral Citation : No



W.A.No. 3551 of 2

To:

WEB COPY

1. The Joint Commissioner of Labour,
(Minimum Wages)
Appellate Authority under Tamil Nadu
Shops & Establishment Act, 1947
DMS compound, Teynampet,
Chennai - 600 006.



WEB COPY

W.A.No. 3551 of 2



R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

KKN

W.A.No. 3551 of 2024
and
C.M.P.No. 27511 of 2024

04.12.2024