



WEB COPY



W.P.No.7315 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.7315 of 2025
and W.M.P.No.8145 of 2025**

Visakh Homes Limited,
8 Veekay Manor,
Flat No.4G, Ground Floor,
Gopalakrishna Road,
T.Nagar, Chennai-600 017,
Rep.by its Director,
S.Padma Kumar

... Petitioner

Vs.

1. The Special Joint Commissioner of Labour-II,
(Appellate Authority under the Tamil Nadu Shops and
Establishments Act) and
The Joint Commissioner of Labour (Minimum Wages)
Office of the Commissioner of Labour,
Commissioner of Labour Office Building, 4th Floor,
Teynampet, Chennai-600 006.

2.Davis.T.P.

... Respondents



W.P.No.7315 of 2025

WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the first respondent in TSE Case No.TNSE-1/10/2024 and quash its order dated 14.08.2024 in TNSE-I/I.A.1/2024.

For Petitioner : Mr.P.Raghunathan
for Mr.T.S.Gopalan

For Respondents : Mr.P.Karunanidhi
Government Advocate for R1

ORDER

This Writ Petition has been filed to call for the records relating to TSE Case No.TNSE-1/10/2024 on the file of the first respondent and quash the order dated 14.08.2024 made in TNSE-1/I.A.1/2024 by the first respondent.

2. The learned counsel appearing for the petitioner submits that the second respondent was appointed as Deputy General Manager (Marketing) in the petitioner Management and due to lack of performance, the petitioner



W.P.No.7315 of 2025

WEB COPY

Management terminated the second respondent on 18.11.2020. Aggrieved by the same, the second respondent preferred an appeal under the Shops and Establishment Act in TNSE-1/10/2024 with a petition to condone the delay of 1175 days stating that he was not paid the huge payment of amount due and the condone delay petition was numbered as TNSE-I/I.A.1/2024 and it was allowed by the first respondent without assigning any proper reason and the second respondent behaved rudely before the first respondent and thereby, the first respondent posted the appeal before the some other forum. He further submits that there is no proper explanation for condoning the delay in filing the appeal under the Shops and Establishment Act and even then, the first respondent has allowed the petition without assigning any reason. In support of his contention, the learned counsel relied on the decisions of this Court in the case of *Madura Coats Limited, Tuticorin vs. Assistant Commissioner of Labour Palayamkottai and others* reported in *1988 2 LLN 126* and *M.Devarajulu vs. Assistant Commissioner of Labour and others* reported in *(1995) 1 LLJ 348*.

3. Since no adverse order is going to be passed against the second

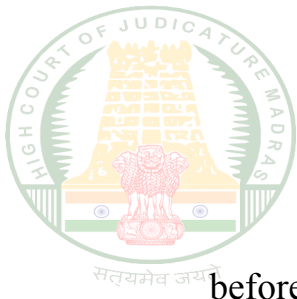


W.P.No.7315 of 2025

respondent, notice to the second respondent is dispensed with.

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4. Admittedly, the second respondent/employee was terminated by the petitioner Management and thereby, the second respondent preferred appeal under the Shops and Establishments Act before the first respondent along with the petition to condone the delay of 1175 days in filing the appeal on the ground that the salary and the monetary benefits have not been paid to him and the first respondent has allowed the condone delay petition, against which, the petitioner is before this Court by filing this writ petition. Though the second respondent was terminated by the petitioner in the year 2020, monetary benefits and salary dues have not been paid to him and he has already been suffering without any income. Considering all those facts and circumstances of the case and the pecuniary circumstances of the petitioner, the first respondent exercising its discretionary power available with them, has allowed the petition filed by the second respondent without imposing any compensation, though the second respondent is alleged to be behaved rudely before the first respondent and the first respondent posted the matter



W.P.No.7315 of 2025

WEB COPY

before the some other forum and the judgments relied upon by the learned counsel appearing for the petitioner are not applicable to this case. Hence, the order dated 14.08.2024 passed by the first respondent in TNSE-1/I.A.1/2024 does not require any interference by this Court. However, the concerned Forum is directed to dispose of TSE Case No.TNSE-1/10/2024 on merits and in accordance with law, after providing opportunity to the petitioner and the second respondent as expeditiously as possible.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.03.2025

NCC: Yes / No

Index : Yes / No

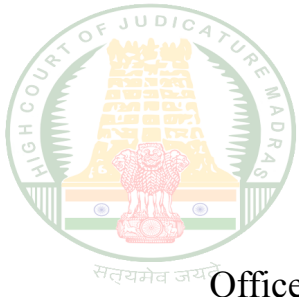
Speaking Order : Yes / No

ssb

Note: Issue order copy by 30.04.2025

To

The Special Joint Commissioner of Labour-II,
(Appellate Authority under the Tamil Nadu Shops and
Establishments Act) and
The Joint Commissioner of Labour (Minimum Wages)



W.P.No.7315 of 2025

Office of the Commissioner of Labour,
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W.P.No.7315 of 2025

M.DHANDAPANI, J.

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