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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.20139 of 2022

P.Somasundaram,
S/o. Palani,
Block No.C9, Flat No.403,
Prince Village, No.8,
Elaya Mudali Street,
Tondiarpet, Chennai – 600 081.

... Petitioner

Vs

1.Mehra Computer System Company,
Office Factory Address,
Thangavelu Engineering College Road,
OMR Road, Chennai – 600 096.

2.The Joint Commissioner of Labour,
(Shops and Establishment)
Teynampet, Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in pertaining to impugned order in T.N.S.E.II/I.A.10/2021 dated 21.04.2022 passed by Joint Commissioner of Labour, (Shops and establishment), Teynampet, Chennai – 600 006, the second respondent herein and quashed the same and also direct the respondent to conduct fresh enquiry and dispose the condone delay petition according to law.



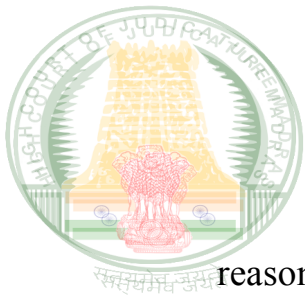
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For Petitioner : Mr.V.Venkatesan

For Respondent : No Appearance for R1
Mr.L.S.M. Hasan Fizal, AGP for R2**ORDER**

This petition has been filed by the petitioner to quash the order passed by the second respondent in T.N.S.E.II/I.A.10/2021 dated 21.04.2022.

2. The learned counsel appearing for the petitioner would submit that the petitioner joined the service in the first respondent / management on 01.12.1997 in the D.T.P. Department and thereafter continued with promotion in management till 27.09.2019 as Senior Manager. Due to continuous harassment from the management, the petitioner was forcibly removed from service. Therefore, he resigned from the job. Thereafter, he approached the Assistant Commissioner of Labour (Conciliation), and the first respondent/manager also appeared, but no amicable settlement was arrived between the parties. Therefore, he approached the second respondent for his removal from service dated 27.09.2019, with delay of 136 days. However, the second respondent without considering the



reasons stated by the petitioner in the condonation of delay application, discussed the merits of the case and dismissed the petition as not maintainable. No opportunity was given to the petitioner to argue the matter on merits in respect of the maintainability, and the I.A. was filed only to condone the delay of 136 days. Therefore, the second respondent, ought to have discussed the reasons for the delay and not the merits of the case. Therefore, the order passed by the second respondent is erroneous and the same is liable to be quashed.

3. The petitioner side has already been heard and posted today for the hearing of the respondent side. Despite notice being served on the respondent and the name of the respondent was also printed in the cause-list, there is no appearance for the respondent.

4. This Court heard the argument of the petitioner and perused the material available on record.

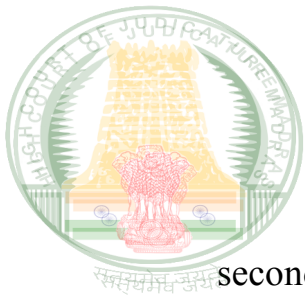
5. The main contention raised by the petitioner is that the second respondent, without considering the prayer sought in the petition to condone the delay of 136 days, passed the order on merits, stating that the



petition is not maintainable since the petitioner resigned from the job. In

condoning the delay petition, without examining the reasons stated by the petitioner, the authority disposed of the petition on merits is not at all acceptable. According to the petitioner, immediately after his removal from service on 27.09.2019, he approached the Assistant Commissioner of Labour (Conciliation) at Sriperumbudur and the first respondent also appeared for enquiry, but no amicable settlement was arrived between the parties. Therefore, there is a delay of 136 days in filing the petition. Therefore, the authority has not considered the above said reasons and passed the order on merits, even without hearing the petitioner. Therefore, the order passed by the second respondent is not acceptable. Considering the reasons stated by the petitioner that after the termination order, he approached the Assistant Commissioner of Labour, and the matter was pending for conciliation, it is appropriate to allow this writ petition by condoning the delay of 136 days in filing the petition. Therefore, the order passed by the second respondent is set aside.

6. In the result, this writ petition is allowed and the order passed by the second respondent in T.N.S.E./I.A.10 of 2021 is set aside and the



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second respondent is directed to number the appeal and dispose the same on merits after affording opportunity to both parties in accordance with law.

No costs.

27.06.2025

drl

Speaking/Non Speaking

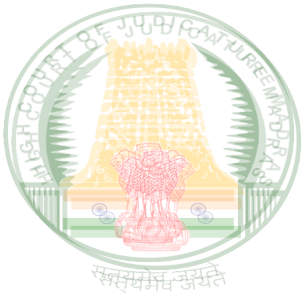
Index : Yes / No

Internet : Yes / No

To

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P.DHANABAL, J.,

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