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W.P.No.25052/2021

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2025

CORAM:

THE HONOURABLE MRS. JUSTICE **N.MALA**

W.P.No.25052/2021 & WMP.No.26393/2021

L.Singaravelu

... Petitioner

Vs

1.The Bharat Electronics Limited
[Chennai Branch], Nandambakkam
Chennai 600 089.
[represented by]

2.The Chairman & Managing Director
Corporate Office, Bharat Electronics Limited
Bengaluru 560 045.

3.The General Manager
Bharat Electronics Limited
Nandambakkam, Chennai 600 089.

4.Senior Deputy General Manager,
[Human Resources & Administration]
Bharat Electronics Limited
Nandambakkam, Chennai 600089.

... Respondents



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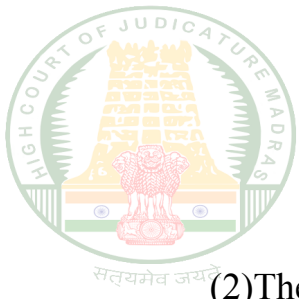
Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the records of the order vide Circular No.4788/030/ADMN/HR&A/CHN/2021 dated 24.05.2021 issued by the 4th respondent and to strike down the order of the four respondents passed on treating the absence of workmen of the said Company as Leave on Loss of Pay and direct to treat the said absence as **work from home** and pay the salary deducted by the Management represented by the respondents 2 to 4.

For Petitioner : Mr.L.Singaravelu
Petitioner-in-person

For RR 1 to 4 : Mr.S.Ravindran,
Standing counsel for
Mr.V.M.Narayanan

ORDER

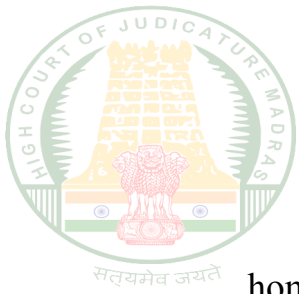
(1)The writ petition is filed for a writ of certiorarified mandamus to quash the impugned Circular dated 24.05.2021, of the 4th respondent and for consequential mandamus, directing the respondents to treat the period of absence of workmen as 'leave on loss of pay' and to further direct to treat the absence as 'work from home' and pay the salary deducted by the respondents/Management.



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(2) The petitioner is the Secretary of Beltex Employees' Union. The petitioner states that he, in his aforesaid capacity, submitted a representation on 12.05.2021, for issuance of a Circular with regard to the employees' transportation requirements and to regularise the attendance of the employees. However, the respondent issued the impugned Circular on 24.05.2021, directing all the employees, Executives/TC Personnel / Non-Executives, to attend the Factory either on their own arrangements or by availing the transportation arrangement made by the Company, on payment on actual basis. The petitioner states that, on 24.05.2021, he submitted his representation to the aforesaid Circular to the 3rd respondent, requesting the Management to arrange transportation facility for the employees till 31.05.2021, or till such date, the Government relaxed the lock down regulations. The petitioner further states that he requested the respondents/Management to permit the employees, not falling under the purview of essential services, to work from home. The petitioner states that he sent a further representation on 25.05.2021, to the 3rd respondent requesting the 3rd respondent to treat the absence of the workmen as 'work from

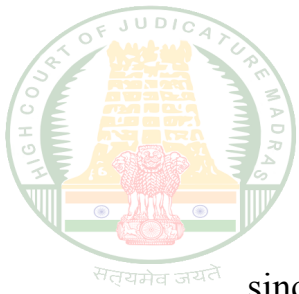


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home' instead of 'leave on loss of pay'. The petitioner states that the impugned Circular was against the order and guidelines issued by the Government of Tamil Nadu and further contended that the Companies under the Government of India Undertakings, including the Ministry of Defence Organizations such as Heavy Vehicles Factory at Avadi and OFB at Trichy, had announced 'work from home' for their employees who were dependent on two-wheelers for attending duty. The petitioner further states that the transportation in such Organizations were arranged on cost free basis and by proportionately adjusting the conveyance allowance paid to the employees for transportation. The petitioner states that though the workmen were ready to attend duty, for want of transportation, they were unable to attend their job. The petitioner further states that since its employees' absence was treated as 'leave on loss of pay' by the 4th respondent, the petitioner was constrained to file the above writ petition for the aforesaid relief.

(3)The respondents filed a detailed counter affidavit denying all the allegations and contentions raised in the writ petition. The respondents contended that the writ petition was liable to be dismissed in *limine*



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since it was the established legal position that administrative / policy decisions could not be challenged in Writ jurisdiction. The respondents further contended that the writ of certiorari could not be maintained since the impugned Circular did not violate any mandatory / statutory provisions and for the same, reasons, the prayer for mandamus was also not maintainable. The respondents further contended that as complex factual aspects were pleaded by the petitioner, the writ petition was not maintainable more so, when the petitioner had an efficacious alternate remedy under the Industrial Disputes Act. The respondents, referring to various steps taken by them, contended that they had taken proactive steps to prevent Covid-19, spread at the work place. The respondents further contended that the Government of Tamil Nadu permitted the staff/workers to ply in buses, vans, tempos and cars, from 25.05.2021 and therefore, the respondents informed all its staff members [Executives/TC and Non-Executives] to report for work by four-wheelers on their own or by availing transportation arrangement made by the respondents. The respondents further contended that they operated on self-sustained



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basis without any financial support from the Government and therefore, the benefit of transportation conferred upon its staff during the lock down period, were recovered from their salary on actuals in accordance with the options exercised by them under the 'Perks Cafeteria Basket Model'. The respondents contended that the respondent Company recovered the actuals for providing transportation facility depending on the number of users on each route, *vis-a-viz*, the rates for hourly and kilometre slabs. The respondents further contended that pursuant to the impugned Circular, the petitioner objecting to the recovery option, refused to avail the transport facility and unilaterally resolved that non-executives need not report to work and this constrained the respondents to confine its operations into a single general shift from 09.00 a.m., to 5.00 p.m., from 25.05.2021 to 29.05.2021, which general shift was later split into two time slots, till its restoration on 28.06.2021. The respondents denied the contention of the petitioner on the applicability of the roster system on the ground that, the respondent/Management was classified as an essential manufacturing undertaking and so the roster system did not apply to it,



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and that there was no restriction on the number of staff to the to be engaged by it during the relevant period. The respondents further contended that the staff with disabilities, pregnant women and staff aged above 55 years, were given option to work from home in May 2020. The respondents also contended that the objection of the petitioner in respect of two-wheeler restriction, had become redundant in view of the transportation arrangement offered by it on chargeable basis. The respondents further contended that since the petitioner failed to avail the transportation facility on actual basis and further instigated the non-executives, not to report to work, he could not aprobate and reprobate and seek regularisation of the unauthorised absence of non-executives as 'work from home'. The respondents therefore, submitted that there were no merits in the writ petition and hence, it deserved to be dismissed.

(4)When the matter was taken up by this Court on 30.04.2025, this Court directed the respondents to file an affidavit on the nine queries raised by it.

(5)The respondents, in the additional affidavit, submitted that as on



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24.05.2021, the staff strength of Chennai Unit was 204 in the Executive Cadre, 11 in the Technical Cadre and 90 in the Non-Executive Cadre. The respondents, in the affidavit further answered to each of the queries framed by this Court, in the following manner:-

"[a]How may employees attended duty during the period from 24.05.2021 to 29.05.2021?"

The attendance for the period from 25.05.2021 to 29.05.2021 is as follows:-

<i>Date</i>	<i>Executive s</i>	<i>Technical Cadre Personnel</i>	<i>Non-Executives</i>	<i>Total</i>
25.05.2021	111	6	15	132
26.05.2021	135	6	17	158
27.05.2021	149	6	15	170
28.05.2021	153	8	16	177
29.05.2021	140	8	16	164

[b]Were full wages paid to those who attended duty?

Yes, full wages were paid to those who attended duty.

[c]How may employees were absent during the said period?



<i>Date</i>	<i>Executive s</i>	<i>Technical Cadre Personnel</i>	<i>Non-Executives</i>	<i>Total</i>
25.05.2021	93	5	75	173
26.05.2021	69	5	73	147
27.05.2021	55	5	75	135
28.05.2021	51	3	74	128
29.05.2021	64	3	74	141

[d]Of those absent, how many had applied for leave and how many were granted such leave?

The absentee employees who had applied for leave, were granted leave.

[e]How many employees remained absent without intimation or sanctioned leave and were treated as being on leave on loss of pay [LOP]?

NIL

[f]Was there any classification adopted for vulnerable employees [such as age above 55, co-morbidities, pregnancy or disability]?

No. Safe working environment was ensured by adhering to social distancing, wearing masks, using sanitizers at workplace. Employees who availed leave was approved by Management.

[g]If so, how many such employees were permitted to work from home or were otherwise exempted



from physical attendance?

NIL.

[h]Was there any provision for company arranged or subsidised transport during the period?

Yes, transport was arranged by the Company on an actual cost basis.

[i]Was transport assistance ever a part of the existing service conditions or contractual obligations of BEL?

No, transport assistance is not a part of the existing service conditions or contractual obligations of BEL. However, employees are eligible for conveyance allowance, which is part of their perks."

(6)Thereafter, the matter was taken up by this Court for final disposal.

(7)The petitioner/Party-in-person submitted that the impugned Circular was illegal since the preventive measures for prevention of Covid-19 were not followed. The petitioner/Party-in-person further submitted that there was failure to follow the Standard Operating Procedure for preventing Covid19. The petitioner/Party-in-person further submitted that though the transportation to the employees was provided, the charges claimed were exorbitant, and so the employees were



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constrained to abstain from work. The petitioner/Party-in-person submitted that the justification offered for the exorbitant transport charges was untenable since the respondent, an instrumentality of the State, could not have enforced disproportionate financial burden on its employees. On the maintainability of the writ petition, the petitioner/Party-in-person submitted that the writ petition was very much maintainable since the vital issues of violation of fundamental rights were raised. The petitioner/Party-in-person, on the plea of alternate remedy raised by the respondents submitted that there were exceptions to the rule of alternate remedy and since the present case was covered by the exceptions, the plea was untenable. The petitioner/party-in-person, prayed for amendment of prayer to include reinstatement due to wrongful dismissal since it was/ a subsequent development. The petitioner/Party-in-person therefore prayed that the writ petition be allowed.

(8)The learned counsel for the respondents, on the other hand, reiterated the submissions made in the counter affidavit and submitted that the



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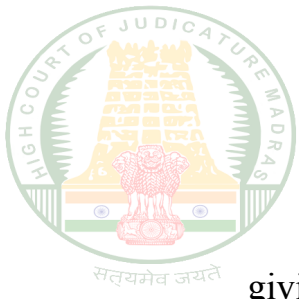
writ petition deserved to be dismissed.

(9) Heard both sides and also perused the materials placed on record.

(10) Before delving into the merits of the case, this Court, at the outset will deal with the relief for reinstatement claimed by the petitioner/party-in-person in the rejoinder to the written submission. This Court opines that the said prayer deserves to be rejected on the short ground that unless the dismissal order is challenged in a manner known to law, reinstatement cannot be granted merely because it is a subsequent development.

(11) The point for consideration in the writ petition is whether the impugned Circular deserves to be quashed and the consequent prayer for treating the absence of the workmen as 'work from home' with salary in stead of 'leave on loss of pay', should be allowed.

(12) The Circular dated 24.05.2021 is an administrative decision of the Management to start the manufacturing process in general shift for the period from 20.05.2021 to 29.05.2021. For the aforesaid purpose, under the Circular, the respondents decided to arrange for transport of the employees [Executives / TC Personnel and Non-Executives] by

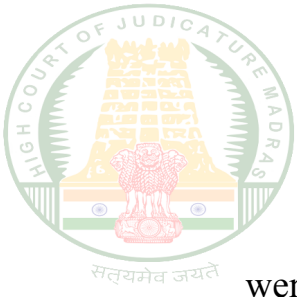


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giving them an option either to come in four wheelers on their own arrangement or by availing the transport arranged by the Management on recovery on actual cost basis. The petitioner/Party-in-person is espousing the cause of the workmen who remained absent during the relevant period. The justification for the absence given by the petitioner/Party-in-person is that the recovery of actuals for transportation arranged by the respondent/Management was exorbitant. The petitioner/Party-in-person also cites certain Covid-19 SOP violations, as a reason for absence. In my view, the contentions regarding Covid-19 violations and other reasons stated by the petitioner/Party-in-person are irrelevant for consideration of the issue in question.

(13) Upon a bare reading of the impugned Circular, it is clear that the Circular was issued for the purpose of working in general shift for the period from 20.05.2021 to 29.05.2021 and to facilitate such working, the Management offered to extend transport facility on recovery of actual cost apart from giving an option to the workmen to make their own transport arrangement. It is therefore clear that for workmen who



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were not willing to avail the transportation arranged by the respondent Management, an option was given to them to make their own transportation arrangements. The grievance of the petitioner/Party-in-person is that because the Management charged exorbitant amounts, for arranging transportation, the employees were unable to attend the work and so their absence ought not to be treated as leave on loss of pay. In my view, the reason is absolutely frivolous and unsustainable in view of the terms of the Circular itself. In the Circular, an option was given to the employees who were not willing to avail the transportation provided by the respondents Management to make their own arrangements. The petitioner/Party-in-person claims that in some of the Undertakings of the Government of India, such as HVF at Avadi, and OFB at Trichy, 'work from home' was announced for their employees who were dependent on two-wheelers and further, free transportation was arranged with proportionate adjustment against the conveyance allowance paid to them. Just because some of the Companies were extending cost free transportation, it was not incumbent on the respondents to extend the same benefit to its

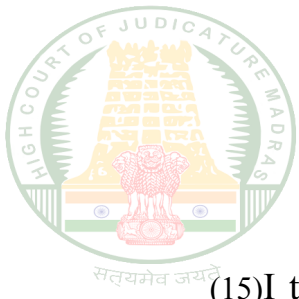


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employees. The feasibility and economics of extending the facility is the domain of the respondent / Management and it is not for this Court or to the petitioner/party-in-person to interfere with the administrative and policy decision of the respondent/Management. It is further clear from the additional affidavit filed by the respondents/Management that some of the employees attended work during the relevant period. If the petitioner/Party-in-person's submissions are accepted, it would not only amount to rewarding persons who did not contribute to production during the critical period, but, would also be unfair to the persons who risked their lives to attend the work during the endemic period. Therefore, the challenge to the impugned Circular has no merit.

(14)As rightly contended by the respondents, the petitioner/party-in-person has an efficacious alternate remedy before the Labour Court under the provisions of the Industrial Disputes Act, and failure to avail such remedy, is fatal to the maintainability of the writ petition. The reasons assigned by the petitioner/party-in-person for circumventing the efficacious alternate remedy, in my view, are untenable and therefore, I find that the writ petition is not maintainable.



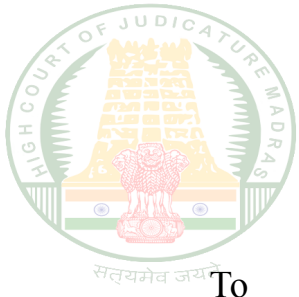
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(15)I therefore, find no merit in the writ petition and hence, the same is **dismissed.** No costs. Consequently, connected miscellaneous petition is closed.

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AP
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



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To

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[Chennai Branch], Nandambakkam
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- 2.The Chairman & Managing Director
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