



W.P.No.28797 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.28797 of 2023

and

WMP.Nos.28402 of 2023 & 39780 of 2024

Hind Musafir Agency Limited,
G-10, Alsa Tower, 186,
Poonamalle High Road, Chennai – 600 010.

Head Office at:

No.39, 39th Floor,
Sunshine Tower, Senapati Babat Marg,
Dadar (West), Mumbai – 400 013,
Rep by its Regional Manager-Legal
Mr.Sudhir

...Petitioner

Vs.

1. Special Joint Commissioner of Labour
Appellate Authority under Tamil Nadu Shops & Establishment Act,
DMS Compound, Teynampet,
Chennai – 600 006.

2. Hema Ajay

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari, to call for the records and quash the order dated
01.06.2023 passed in TNSE-No.1/12/2020 by the 1st respondent, The



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Special Joint Commissioner of Labour, Appellate Authority Under Tamil Nadu Shops & Establishment Act, 1947.

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For Petitioner : Ms.G.Geetha

For Respondents : Mr.K.Surendran, AGP for R1
Mr.K.Vasuvenkat for R2

ORDER

This Writ petition has been filed seeking quashment of the order of the 1st respondent dated 01.06.2023 passed in TNSE-No.1/12/2020.

2. It is the case of the petitioner company that, it is engaged in the business of offering services of travel and tourism for corporate companies. The 2nd respondent was appointed as a Branch Manager on 01.07.2015 and she was given authority to run the business activities of the Chennai Branch of the petitioner company. Whiles, while reviewing the financial statements of all branches, it was found that the 2nd respondent and one Sathish had executed transactions with sub agents or agents without any formal agreement or agreed terms and conditions and without prior approval of the head office. The duo had indulged in financial irregularities and caused loss to the tune of Rs.1,28,81,132/-. Thereupon, the petitioner issued



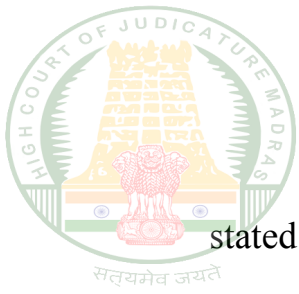
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a show cause notice to the 2nd respondent and after following the procedure of domestic enquiry, terminated the services of the 2nd respondent with effect from 25.01.2019. Aggrieved by the said termination order, the 2nd respondent preferred an appeal before the 1st respondent and the same was taken on file in TNSE-No/1/12/2020 and the 1st respondent, vide its order dated 01.06.2023 set aside the order of termination and directed the petitioner to reinstate the 2nd respondent with full backwages along with continuity of service and all other attendant benefits. Challenging the same, the petitioner has come up with this Writ petition.

3. This Court gave its careful consideration to the arguments advanced by the learned counsel on either side and perused the materials available on record.

4. On a perusal of the materials available on record particularly the impugned order, it can be seen that, the 1st respondent had specifically observed that the documents sought for by the 2nd respondent were not given and no efforts were taken by the petitioner company to prove the charges in the domestic enquiry. Though the 2nd respondent/employee has categorically



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stated that it was one Sathish who was responsible for the financial loss and the said person is also absconded, the petitioner has not taken any steps either to enquire him before absconding or lodged police complaint after he had absconded. The 1st respondent has also observed that the order of termination has been passed on surmises and the said findings of the 1st respondent cannot be said to be erroneous.

5. However, considering the fact that the amount involved comes to around Rs.1.3 Crores, in order to give one last opportunity to the petitioner to let in evidence to substantiate its case, this Court is inclined to remand the matter back to the authority for fresh consideration.

6. Accordingly, the impugned order of the 1st respondent dated 01.06.2023 made in the 2nd respondent's appeal in TNSE-No.1/12/2020 is set aside and the matter is remanded back to the 1st respondent for fresh consideration and the 1st respondent shall analyse the evidences to be let in and the documents, if any, to be produced by both side and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording an



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opportunity to the petitioner and the 2nd respondent for cross examination of the evidences to be let in.

7. With the above observations and directions, this Writ petition stands allowed. No costs. Consequently, the connected Miscellaneous petitions are closed.

26.03.2025

skt

NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To

The Special Joint Commissioner of Labour
Appellate Authority under Tamil Nadu Shops & Establishment Act,
DMS Compound, Teynampet,
Chennai 600 006.

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M.DHANDAPANI, J.

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