



WEB COPY



W.A.No.6 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.6 of 2025

K.S.Srikumar

... Appellant

Vs.

M/s.Sundaram Finance Limited,
19, Pattullos Road,
Chennai - 600 002.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 05.07.2024 made in W.P.No.3419 of 2022 and direct the respondent to pay the claim amount claimed in C.P.No.20 of 2019 on the file of the I Additional Labour Court, Chennai to the appellant herein.

For Appellant

: Mr.S.Shanmugasundaram

J U D G M E N T

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

Challenge is to the order of the Writ Court made in W.P.No.3419 of 2022 dated 05.07.2024.

2. The computation petition filed under Section 33 C (2) of the Industrial



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Disputes Act was dismissed by the labour Court on the ground that the petitioner before it/ the appellant herein was not a workman and therefore he cannot seek to enforce the order of the appellate Authority under the Tamil Nadu Shops and Establishments Act, 1947 under Section 33C(2) of the Industrial Disputes Act. The writ Court affirmed the order of the labour Court. Hence, this appeal.

3. Mr.S.Shanmugasundaram, learned counsel appearing for the appellant would vehemently contend that there is no other remedy for a person who succeeds before the Appellate Authority under Section 41(2) of the Tamil Nadu Shops and Establishments Act, 1947 to realize the fruits of the order passed under Section 41(2) of the said Act.

4. That by itself will not enable a non-workman to move the labour Court under Section 33 C (2) of the Industrial Disputes Act. Section 33 C (2) of the Industrial Disputes Act provides a machinery for a workman to realize the fruits of an award or a settlement or any payment that he claims to be due from his employer. In the case on hand, the petitioner while approaching the Authority under the Shops and Establishments Act has clearly admitted that he was a



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Manager (Personnel and Administration) with the employer and his job was to recruit people for the employer. Therefore, by no stretch of imagination can the appellant be considered as a workman.

5. Since the categorical finding of the labour Court that the petitioner is not a workman has been affirmed by the writ Court we see no reason to entertain the appeal. Though the learned counsel would make an attempt to argue that the status of the appellant cannot be decided by the nomenclature of his job, the question as to whether he is a workman or not has to be decided only by the labour Court in a properly constituted Industrial Dispute. That has not been done here.

6. Hence, we see no reason to entertain the appeal and the Writ Appeal is therefore **dismissed**. No costs.

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

08.01.2025

dsa

Index : No

Neutral Citation : No

Speaking order



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To

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