



WEB COPY

WP No. 11735 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 11735 of 2026

D.Ananthanarayanan
S/o.late.Duraipillai,
No.E-201, 2nd Floor, Casa Grand,
(crescendo) Apartment,
Athipet, Ambattur,
Chennai - 600 058.

..Petitioner(s)

Vs

1. The Joint Commissioner of Labour,
(Appellate authority under Tamilnadu Shops
and Establishments Act, 1947), Teynampet,
Chennai - 600 006.
2. Universal Container Terminal
Represented by its Proprietrix,
Mrs.Mary Joseph,
Universal House, New No.5,
Old No.3, Madha Church Street,
Royapuram, Chennai - 600 013.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorari Mandamus to call for the records relating to the impugned order dated 08.07.2025 in TNSE Appeal No.20 of 2021 passed by the 1st respondent and quash the same as arbitrary, illegal and consequently direct the 2nd respondent to treat the termination dated 10.02.2021 as illegal and re-instate the petitioner with back wages and continuity of service with all attendant benefits.

For Petitioner(s):

Mr.K.Chandrasekaran

For Respondent:

Mr.T.M.Rajangam for R1 and R2
Government Advocate



ORDER

With consent, the main Writ Petition itself is taken up for final disposal at the admission stage.

2. This Writ Petition is filed to call for the records relating to the impugned order dated 08.07.2025 in TNSE Appeal No.20 of 2021 passed by the 1st respondent and quash the same as arbitrary, illegal and consequently direct the 2nd respondent to treat the termination dated 10.02.2021 as illegal and re-instate the petitioner with back wages and continuity of service with all attendant benefits.

3. According to the petitioner, the petitioner joined the services of the 2nd respondent on 01.08.2006 and continued in service till 09.02.2021. At the time of entering into the service, the petitioner was paid a monthly salary of Rs.8,000/-, which was gradually enhanced from time to time and the petitioner's last drawn salary was Rs.1,15,000/- per month. Further, the petitioner worked in the 2nd respondent establishment for nearly 15 years and during the entire period of service, there was no memo, charge sheet or disciplinary action against the petitioner. During the Covid-19 Pandemic Period, in the year 2020, the 2nd respondent temporarily suspended certain operations, however, the petitioner continued to attend duty regularly. On 01.12.2021, the 2nd respondent orally informed the petitioner about the proposed reduction of 50% in salary, citing business difficulties. The petitioner



objected to the said proposal and requested the 2nd respondent to reconsider the same. On 09.02.2021, the petitioner was informed not to attend duty for a few days and was assured that he would be called back and on 23.02.2021, on instructions, when the petitioner attended for duty, he was served with a termination order on the ground of business depression. The petitioner had challenged the said order under Section 41(2) of the Tamil Nadu Shops and Establishments Act, 1947 before the 1st respondent and the 2nd respondent filed counter, in which it is stated that the 2nd respondent has paid entire terminal benefits and arrears of salary and attendant benefits to the tune of Rs.5,08,378/- and on receipt of the same, the present dispute is raised before the 1st respondent / authority, which is not an agreeable one. After hearing both sides and on perusing the entire documents, the 1st respondent dismissed the appeal filed by the petitioner. As against the same, the present Writ Petition has been filed.

4. The learned counsel appearing for the petitioner would submit that at the time of termination, the petitioner was aged about 58 years, however, the age of retirement is 60 years, and the benefits paid to the petitioner was only for the pending salary and not the entire benefits, however, without considering the same, the 1st respondent dismissed the appeal, which is not a sustainable one, accordingly, he prayed for appropriate orders.

5. Per contra, the learned Government Advocate appearing for the respondents would submit that petitioner was paid entire terminal benefits for



a sum of Rs.5,08,378/- and without any protest, the petitioner received the salary by way of cheques and the cheques were also encashed by the petitioner, thereby pleaded to dismiss the petition.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire documents placed on record.

7. On a perusal of the entire documents placed on record, it reveals that the petitioner entered into service on 01.08.2006 and order of termination was passed on 10.02.2021 and it is equally undisputed fact that the petitioner was paid entire terminal benefits for a sum of Rs.5,08,378/- by way of cheques and without any protest, the petitioner received the same and the cheques were also encashed by the petitioner. Though the petitioner claims the age of retirement is 60 years, which he would have reached in the year 2023 itself, now, admittedly, the petitioner crossed the age of 60 years and there is no possibility for reinstatement.

8. That apart, in the present case, entire settlement was already paid to the petitioner and the petitioner did not raise any dispute with regard to the payment and he did not claim any further payment from the 2nd respondent. All these facts are elaborately considered by the 1st respondent, therefore, there is no perversity in the order passed by the 1st respondent and hence the present Writ Petition deserves to be dismissed.



Accordingly, the Writ Petition is dismissed. No costs.

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

ssd

To

The Joint Commissioner of Labour,
(Appellate authority under Tamilnadu Shops and
Establishments Act, 1947), Teynampet, Chennai -
600 006.



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M.DHANDAPANI, J.

ssd

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