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W.P.No.17497 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.17497 of 2024
and W.M.P.Nos.19281 and 19283 of 2024

The Management of Infosys Limited,
Represented by its authorised signatory,
Dinesh Kamalasekaran,
Having its registered office at Electronic City,
Hosur Road, Bangalore – 560 100,
Also having office at No.138,
Old Mahabalipuram Road,
Sholinganallur, Chennai – 600 144. .. Petitioner

Versus

1. Joint Labour Commissioner (Minimum Wages),
The Appellate Authority under the
Tamil Nadu Shops and Establishments Act, 1947,
Commissionerate of Labour,
DMS Campus,
Anna Salai, Chokkalingam Nagar,
Teynampet, Chennai – 600 006.
2. Kailasam Harihara Subramanian .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records of the order, dated 29.04.2024 in TNSE/II I.A.No.15 of 2023 in TNSE/II No.9 of 2019 passed by the 1st respondent – Authority and the proceedings thereto and quash the same and direct the 2nd respondent to deposit, employment benefits to the tune of INR 14,09,421/- (Indian Rupees Fourteen Lakh Nine Thousand Four Hundred and Twenty-One Only) along with interest



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from the date of receipt by the 2nd respondent to the date of deposit with the 1st respondent – Authority.

For Petitioner : Mr.Thriyambak J.Kannan

For Respondents : Mr.A.M.Ayyadurai,
Government Advocate, for R1
: No Appearance for R2

ORDER

This Writ Petition is filed challenging the order, dated 29.04.2024 passed by the first respondent, the Joint Commissioner of Labour (Minimum Wages), the appellate authority under the Tamil Nadu Shops and Establishments Act, 1947 (hereinafter referred to as ‘the Act’) in TNSE/II I.A.No.15 of 2023 in TNSE/II No.9 of 2019.

2. Upon hearing the learned Counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner management is that the workman/second respondent herein had approached the first respondent under the Act complaining that he was illegally terminated from the service. The stand of the management is that the workman had voluntarily retired and received total terminal benefits upon settlement of accounts being the sum of Rs.14,09,421/-. Since the workman is now rescinding from the resignation by stating that he was



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forced to resign, the management filed the above Interlocutory Application for a direction to the workman to deposit the said sum in case if he wants to contest the resignation.

3. Upon the said application, the impugned order was passed stating that, that question can also be considered when the matter is taken up for final hearing. The learned Counsel would submit that the entire law on the point is that it must be a pre-condition for the workman to deposit the amount to contest the issue. The learned Counsel would rely upon the judgment of this Court, dated 19.02.2024 in ***N.Saravanan Vs. The Management of Sundaram Clayton Limited*** in W.P.No.3245 of 2024, whereunder, the law laid down by the Hon'ble Supreme Court of India in ***Ramesh Chandra Sankla and Ors. Vs. Vikram Cement and Ors.***¹, was also considered and it was directed that the workman should be first required to deposit the amount.

4. When the matter is taken up for hearing, the learned Counsel originally appearing for the second respondent submitted before the Court that he has already given change of vakalat. The second respondent

¹ (2008) 14 SCC 58



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neither appears in person nor any other Counsel has entered appearance for the second respondent workman.

5. I have considered the submissions made on behalf of the petitioner.

6. Though it cannot be a hard and fast rule that in every case, the workman should be required to deposit the amount received, the order can be passed depending on the facts and circumstances of every case. In this case, the petitioner was an I.T. Engineer and he was drawing a pay of about Rs.1,00,000/- and has received the benefit of Rs.14,09,421/-. No other inability or prejudice is pleaded before this Court with reference to the factual matrix. In view thereof, since the workman is also not appearing and contesting the matter and considering the overall facts and circumstances of the case, especially, the status of the workman, the quantum of salary received by him, the quantum of settlement received by him, I am of the view that the dictum of the judgment of this Court in **N.Saravanan**'s case (stated *supra*) will apply to the present context of the case considering the dictum of the Hon'ble Supreme Court of India in the case of **Ramesh Chandra Sankla** (cited *supra*).



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7. In view thereof, this Writ Petition stands allowed on the following terms:-

(i) The impugned order, dated 29.04.2024 made in TNSE/II I.A.No.15 of 2023 in TNSE/II No.9 of 2019, shall stand set aside. TNSE/II I.A.No.15 of 2023 in TNSE/II No.9 of 2019, shall stand allowed on the following terms:-

(a) The second respondent/workman namely, *Kailasam Harihara Subramanian*, shall deposit the sum of Rs.14,09,421/- within eight weeks from the date of receipt of a web-copy of this order before the first respondent and the matter shall be proceed further only if he deposits the said sum;

(b) Failing compliance of the above, TNSE/II I.A.No.15 of 2023 in TNSE/II No.9 of 2019, on the file of the first respondent, shall stand dismissed.

(ii) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.01.2026

Neutral Citation : no
grs

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To
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The Joint Labour Commissioner (Minimum Wages),
The Appellate Authority under the
Tamil Nadu Shops and Establishments Act, 1947,
Commissionerate of Labour,
DMS Campus,
Anna Salai, Chokkalingam Nagar,
Teynampet, Chennai – 600 006.



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grs

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The matter is listed under the caption “for being mentioned” at the instance of the learned counsel appearing for the petitioner.

2. When the Court has directed the employee to submit an amount and failing compliance, the appeal itself should be dismissed, the I.A. number mentioned in paragraph 7(i)(b) is incorrect.

3. In view thereof, the Registry is directed to correct paragraph 7(i)(b) in the following terms and upload the corrected order:

(b) Failing compliance of the above, TNSE/II No.9 of 2019, on the file of the first respondent, shall stand dismissed.

02.02.2026

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