



WEB COPY



W.A.No.1598 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.A.No.1598 of 2025

and

C.M.P.No.11969 of 2025

Visakh Homes Limited
8 Veekay Manor
Flat No.4G Ground Floor
Gopalakrishna Road
T.Nagar, Chennai-600 017
Rep. By its Director
S.Padma Kumar

... Appellant

vs.

1. The Special Joint Commissioner of Labour-II
(Appellate Authority under the
Tamil Nadu Shops and Establishments Act) and
The Joint Commissioner of Labour (Minimum Wages)
Office of the Commissioner of Labour
Commissioner of Labour Office Building, 4th Floor
Teynampet, Chennai-600 006.
2. Davis T P
Asian MMDA Park
27/5 Vinayapuram First Street
MMDA Colony
Arumbakkam, Chennai-600 106.

... Respondents

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Writ Appeal filed under Clause 15 of the Letters Patent, praying to allow the writ appeal and set aside the order dated 03.03.2025 passed in W.P.No.7315 of 2025.

For Appellant : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co

For Respondents : Dr.S.Suriya
Additional Government Pleader
for R1
Mr.T.Sellapandian, for R2

J U D G M E N T

[Judgment of the Court was made by **S. M. SUBRAMANIAM, J.,**]

The present writ appeal has been instituted challenging the order dated 03.03.2025 passed in W.P.No.7315 of 2025.

2. The said writ petition was filed by the appellant challenging the order passed by the Special Joint Commissioner of Labour, Appellate Authority under the Tamil Nadu Shops and Establishments Act, in a petition to condone the delay of 1175 days in filing the statutory appeal under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947 [hereinafter “said Act” for the sake of brevity] by the second respondent.

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3. The second respondent was an employee of the appellant company and he was dismissed from service. The second respondent filed an appeal under Section 41 of the said Act along with a condone delay petition seeking to condone a delay of 1175 days. Since the condone delay petition was allowed, the Management preferred the present writ petition. The learned single Judge dismissed the writ petition and challenging the same, the present intra-Court appeal has been filed.

4. Mr.Anand Gopalan, learned counsel appearing on behalf of the appellant, would mainly contend that no reasons are stated for condoning the enormous delay of 1175 days. Since the delay was condoned without considering the reasons which must be valid in accordance with law, the Management has chosen to file the writ petition and the present writ appeal.

5. Under normal circumstances, to condone such an enormous delay, reasons have to be stated.

6. The learned counsel for the second respondent would submit that, having been satisfied with the reasons stated in the petition seeking condonation of delay, the competent authority condoned the delay. That apart, this is an appeal filed by the workman and the issues are sought to be decided on merits and in the interest of the workman.



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7. This Court is of the considered view that the competent authority, based on the affidavit filed in support of the condone delay petition, passed an order. However, while passing such an order condoning the long delay, the authority is expected to record reasons so as to avoid any such unnecessary grounds being raised between the parties. The acceptability of the reasons for condoning the delay is the basis for the order passed condoning the delay and thus, hereinafter, the authority shall ensure that orders condoning long delay are passed by recording sufficient reasons.

8. However, in the present case, we have considered the fact that the workman was dismissed from service and an order of dismissal ought to be adjudicated by affording opportunity to the parties to establish their respective cases before the competent authority, more so, it is a statutory appeal contemplated under the said Act.

9. Mr.T.Sellapandian, learned counsel appeared on behalf of the second respondent at the request of the Court, would submit that the grounds raised on merits deserves to be adjudicated before the competent authority based on evidence and documents and an opportunity is to be provided to the second respondent to establish his case in the manner known to law.



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10. It is brought to the notice of this Court that the ex parte order passed by the competent authority was set aside and the appeal has been taken on file for adjudication. The parties are at liberty to adjudicate the dispute before the competent authority under the said Act in the manner known to law. All the issues are left open and the authority shall decide the issues independently and uninfluenced by any findings made by this Court.

11. With these observations, the Writ Appeal stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
24.03.2026

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

mk

To
The Special Joint Commissioner of Labour-II
(Appellate Authority under the
Tamil Nadu Shops and Establishments Act) and
The Joint Commissioner of Labour (Minimum Wages)
Office of the Commissioner of Labour
Commissioner of Labour Office Building, 4th Floor
Teynampet, Chennai-600 006.

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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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