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W.P.No.5540 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 19/8/2026

Pronounced on: 31/8/2026

C O R A M

THE HONOURABLE Mr.JUSTICE K. SURENDER

Writ Petition No.5540 of 2022

K.A.Ramasamy

Employee ID:000277075

Residence No.B-310

M.V.Periwinkle Rocal Enclave

Sree Ramapura, Jakkar

Bangalore.

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Petitioner

Vs

1. The Assistant Commissioner of Labour

Sriperumbudur

Kancheepuram District.

2. The Management of

BNY Mellon International Operations (Indian) Pvt Ltd

Block 3, 6th Floor, DLF IT Park

Mount Poonamallee Road

Ramapuram

Chennai 600 089.

...

Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India

praying for the issuance of writ of certiorarified mandamus to call for the records from the Labour Court, Kancheepuram, relating to the impugned order of the Labour Court, Kancheepuram dated 29/10/2021 in I.D.No.52 of 2020 quash the same and consequently direct the second respondent to reinstate this petitioner and to pay backwages and compensation to this petitioner after holding that the dismissal/forced resignation of his services by an order dated 21/5/2018 was violative of Section 33 (2) (b) of the I.D.Act, 1947 is illegal, nonest and void ab initio.

For petitioner ... Mr.V.Arunagiri

For respondents ... Mr.K.K.Ram Siddhartha
Additional Government Pleader for R.1

Mr.S.Shivathanu Mohan
for M/s.S.Ramasubramaniam & Associates
for R.2

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ORDER

The writ petitioner is aggrieved by the award passed by the Labour Court dated 29/10/2021 dismissing the relief sought for by the petitioner against the Management.



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2. The petitioner was appointed as Senior Training Consultant on

4/11/2013 and his services according to the petitioner was legally terminated on 28/5/2018. According to the petitioner, he availed leave from 18/4/2018 to 20/5/2018 to take care of his ailing father, and rejoined duty on 28/5/2018. On the said day, the Management forcibly obtained his resignation. It is the petitioner's case that the forced exit of the petitioner from the Company was illegal and against the principles of natural justice.

3. The petitioner then approached the Labour Commissioner and submitted a petition under Section 2 A of the Industrial Disputes Act. The conciliation failed, and as such the Industrial Dispute was filed.

4. The labour Court dismissed the prayer mainly on the ground that role that was given to the petitioner during his tenure was a Management post, and as such he cannot seek any relief under the Industrial Disputes Act, as the petitioner does not fall within the definition of "workman" under the Act.

5. The other ground on which the labour Court refused the relief was that the petitioner had resigned from service, and nearly more than an year later, i.e., on 28/7/2019, petitioner raised an Industrial Dispute before the



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Labour Commissioner for negotiation. Since there was no evidence that the petitioner was dismissed from service and that he was a workman, Industrial Dispute filed by the petitioner was dismissed.

6. The learned counsel appearing on behalf of the petitioner would submit that the Labour Court had committed an error in finding that the petitioner was not a workman. The duties of the petitioner were technical in nature and he was neither heard Manager nor his duties were supervisory in nature but purely technical.

7. But only for the reason of his nature of technical duties, it cannot be said that the petitioner was not a workman. The learned counsel relied on the judgment of the Hon'ble Supreme Court in ***S.K.MAINI Vs.CARONA SAHU CO. Limited reported in AIR 1994 SC 1824.***

8. The learned counsel appearing for the respondent Management would submit that petitioner's duties clearly reflect that they were supervisory in nature and he was paid more than Rs.10,000/-, as such, he cannot be called as a "workman" in view of Section 2 Clause (iv).



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9. It is not necessary to discuss whether by virtue of the duties of the

petitioner, he was in a Supervisory capacity or his functions were managerial in nature, for the reason of the petitioner submitting his resignation. The documents reveal that the petitioner had submitted his resignation on 21/5/2018, stating that he was resigning due to personal reasons. On the same day, the resignation was accepted. Further, the petitioner again sent a mail on 22/5/2018 for processing his salary for the notice period of three months and expressed willingness to serve the notice period of three months as per Company policy. However, three months salary was paid by the Company and accepted by the petitioner. Nothing is placed on record to show that the amount was either received under protest or that there was any coercion while submitting the resignation.

10. Force or coercion can be reasonably inferred from the circumstances of the given case. No reason is given as to why after his resignation on 21/5/2018 for the first time, he approached the Labour Commissioner on 29/7/2019 i.e., nearly 14 months later to file for conciliation. If there was any coercion as claimed by the petitioner, no reasons were given as to why the petitioner waited for one year before approaching the Labour Commissioner. Hence, it can be fairly concluded that the plea of

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forced resignation is an after thought for the purpose of filing/raising Industrial Dispute.

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11. The learned counsel appearing for the petitioner finally argued that there was an abundant material to show coercion and threat for the purpose of giving resignation. No documents were filed before the Labour Court nor before this Court to show that there was any kind of force that was used at the time of resignation of the petitioner. In the absence of any such evidence, request for remand of the case cannot be acceded to.

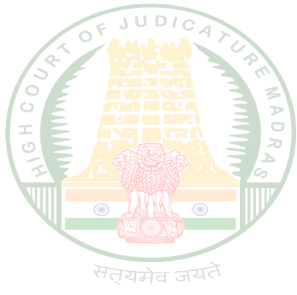
12. In the result, this **writ petition is dismissed.** No costs.

(K.SURENDER,J)
31/8/2026

mvs.

Index: Yes/no

Neutral Citation: Yes/No

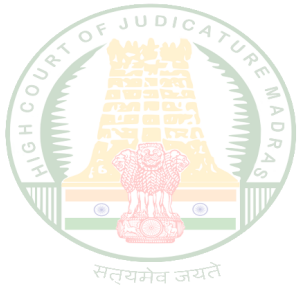


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To:

1. The Labour Court, Kancheepuram,
2. The Assistant Commissioner of Labour
Sriperumbudur
Kancheepuram District.
3. The Management of
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Pre-delivery order made in
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31/8/2026