

In the Court of Labour Court, Kancheepuram

**Present: Tmt.S.Sujatha, M.A., M.L.,
Presiding Officer,
Kancheepuram.**

Tuesday, the 9th day of September 2025

**I.A.No. 01 / 2025
in
C.P.No.123 /2024**

The Management
M/s.Doosan Power Systems India Private Limited,
4th Floor & 6th Floor, A & B,
Lemon Tree Hotel Complex,
Village Ullahwas,
Golf Course Extension Road,
Sector 60, Gurugram.
Haryana - 122 011

--- Petitioner/Respondent

//vs//

G.Gandhi,
S/o.C.Govindasamy,
Employee No.2611024,
No.11/6, First Street,
Periyar Nagar,
Senneerkuppam,
Poonamallee,
Chennai - 600 056.

--- Respondent / Petitioner

This petition came up on 22.08.2025 for final hearing before this court in the presence of M/s.G.Manimaran and M.Sankaran Advocates for Petitioner/Respondent and M/sA.Suresh Sakthi Murugan and V.Narayanan Advocates for Respondent/Petitioner and upon perusal of records and having stood over for consideration till this day, this court delivered the following:

ORDER

1. Petition filed by the petitioner U/sec.11 of ID Act, praying to return the claim petition or to dismiss the petition in terms of jurisdiction point of view and to pass such other orders.

2. The averments in the petition filed by the Petitioner is as follows:

Petitioner is the management company. The claim petition is filed by the respondent for alleged compensation of Rs.21 lakhs towards alleged gratuity amount, alleged accumulated earned leaves and for other monetary benefits. In the claim petition filed by the respondent, it is statement address of the petitioner herein is at Navalur, Chennai and the second address as Gurugram, Haryana. The respondent had sought to rely upon the address of the petitioner in Serial No.1 for the purposes of the jurisdiction in relation to the claim petition made by him. The respondent has instituted the claim petition without any jurisdiction. As the address shown in the claim petition of the respondent does not lie before this Labour Court, claim petition is liable to be returned for proper jurisdiction. The petitioners establishment at Navalur, Chennai had been closed on 20.11.2023. The said fact was intimated to the respondent's herein by email dated 20.11.2023 and the cancellation deed dated 09.01.2024 evidencing the termination of lease deed and vacating the Navalur Chennai office is also produced for reference. Before closure of the establishment on 09.10.2023 the respondent, herein was transferred to the office from Navalur to

Gurugram.Haryanan As on date of filing this application (ie) 24.04.2024 there exists no office/establishment or undertaking of the petitioner within the territorial jurisdiction of the court. The alleged salary claim for the period from February 2024 to April 2024 when the respondent was posted or transferred at the Gurugram office with effect from 16.11.2023. The respondent with malafide intention to harass the petitioner has concealed the relevant facts and had filed the bogus and baseless claim before court and the relief lies before appropriate adjudicating authority at Gurugram Haryana, where the respondent works for gain since 16.10.2023 and the claim qua shall be instituted in a court within local limits of the petitioner where it voluntary resides or carries on business, or personally works for gain. Without prejudice to all rights and contentions the petitioner /respondent contents the relief sought for, is not maintainable on facts and in law. Hence this petition is to direct to return the claim petition or to dismiss in terms of jurisdiction point of view.

3. The averments in the counter filed by the Respondent is as follows:

The Petition is not maintainable and it is liable to be dismissed. The petitioner management conducted its designing and manufacturing at Poonamallee, Chennai and later on during the Covid-19 pandemic, it filed an application under section 25N of the ID Act for retrenchment and the same was rejected by the Government of Tamil Nadu and subsequently the said order was

contested by petitioner by filing Writ petition before Honble High Court and during the pendency of the writ petition negotiations with the workers union and Technicians union were undergone and settlement was arrived under section 18(1) of ID act on 14.07.2022 and another settlement was arrived with the Doosan Employees Union and Doosan Power Systems India Chennai, Employees Association and executed a voluntary retirement scheme and in the said settlement amount of Rs.21 lakhs irrespective of the services, was paid as exgratia, besides other benefits. The petitioner by showing the execution of VRS, applied for permission to close the Industrial establishment under section 25(o) of the ID Act and it failed to mention that services of a certain workmen are continuing and the services of the certain workmen are not terminated on account of closure but in the form of a closure u/s. 25FFA the petitioner decided to close the Industrial establishment with the effect from 08.05.2023 and by showing the execution of VRS had obtained permission and u/s. 25(o) of ID Act from the Government of Tamil Nadu and all the proceedings were not informed to the respondent herein and other pending employees and the petitioner meanwhile shifted the administrative office for the remaining employees including the respondent to Navalur, Chennai and directed to report for the daily attendance and respondent along with other remaining the employees had attended duty regularly at the new administrative office at Navalur. The petitioner has relocated the administrative office from Poonamallee to Navalur, with effect from 25.02.2022. The respondent was issued a transfer order dated

09.10.2023 directing him to report on 08.11.2023 before the Gurugram, Haryana. Challenging the same dispute was raised before the Conciliation officer and the proceedings were closed by the Conciliation officer by order dated 23.01.2024. The object of VRS 2022 was not extended to the respondent's herein. Petitioner had admitted that Chennai and Gurgaon, establishments are different. The respondent filed a reply to the email dated 03.04.2024 and also sent reply to the petitioner through registered post. The petitioner decided to end the service of the respondent on 05.04.2024. The petitioner had sent a letter dated 12.04.2024 extending the date by declaring that 19.04.2024 was last date for joining office of Gurgaon. It is presumed that the respondent is terminated from service with effect from 19.04.2024. The last employment place of respondent is at Navalur, OMR Road, which is under the jurisdiction of this court. The petitioner closed their establishment in Tamil Nadu in which respondent worked until its closure. The petitioner has executed settlement agreement with employees for the closure and obtained permission from Government. Hence the claim petition is maintainable. The petitioner has not raised the jurisdictional issue before the conciliation officer and before the Honble High court of Madras and they had subjected themselves to the jurisdiction of those authorities. Hence a mere change in the communication address would not change the jurisdiction of a continued Industrial dispute between employee and employer and the petitioner instructed the respondent to hand over the company assets to its Chennai, representative in April 2024. The

last transaction between them was held in Tamil Nadu and Industrial establishment at Chennai and Gurugram, Haryana are separate one. Hence the petition is not maintainable and liable to be dismissed.

4. The point for consideration is whether the petition has to be allowed or not?

5. The case of the petitioner is that claim petition filed by the respondent is not maintainable on the point of jurisdiction and has stated that in the claim petition, two addresses of the petitioner herein are mentioned by the respondent and the first address is at Navalur at Chennai and second address is at Gurugram, Haryana and the establishment at Navalur, Chennai had been closed even during 2023 and the same had been intimated to the petitioner via email and further the establishment at Navalur, Chennai is no more in existence, In such circumstances, the claim petition filed by the respondent is not maintainable and this court has no jurisdiction to entertain the claim petition and the same has to be directed to be presented before court of proper jurisdiction and hence the petition is filed.

6. On the other hand the respondent has stated that the petitioner herein has closed the establishment by showing the VRS Scheme 2022, only for 365 employees, whereas respondent and some other employees were directed to report before the administrative office at Navalur, Chennai and they were working there and subsequently the petitioner had closed this establishment u/s 25(o) of the ID Act and respondent was issued a transfer order to report before

office at Gurugram Haryana whereas the functionings of the establishment of petitioner at Chennai and Haryana were entirely different, in such circumstances as respondent was employed under petitioner at Navalur, Chennai lastly, the claim petition is maintainable and further has stated that the petitioner has not raised the territorial jurisdiction point when the proceedings was pending before conciliation officer as well as before the Hon'ble High court and for the first time it has been raised here and as the respondent has worked under the petitioner at Navalur, Chennai lastly, this court, has jurisdiction and hence the petitioner claims petition is maintainable.

7. The fact that the respondent worked under petitioner at the administrative office at Navalur is not denied. At the same time the petitioner had closed its establishment at Navalur is also not denied. The claim petition filed by the respondent seeking arrears of salary even for the month of February, March, April 2024 after closing of the establishment at Navalur whether maintainable and whether he is entitled to for any gratuity and benefits under VRS 2022 scheme can be decided in the main claim petition. As far as this interim application is concerned the main contents of the petitioner herein is that the establishment at Navalur, Chennai had been closed and hence the petition has to be filed only before Gurugram and not before this court and the claim petition has to be returned for want of jurisdiction.

8. It is well settled principle, Generally a case cannot be filed at place if the respondent has no office there, as jurisdiction typically follows the location

of the business or employer. However, if the employment relation or the incident causing the dispute occurred in Chennai, the workman may be able to contest there, as jurisdiction is often based on where the cause of action arose or where the employment took place, not just the physical office location

Determining jurisdiction

Cause of Action

The appropriate location for filing a case under the Industrial Disputes Act is often where the dispute arose. If the incident or the employment relationship that forms the basis of the petition occurred in Navalur, Chennai, the case may be maintainable before this court.

A case can be filed before this court even if the respondent has no office at Navalur, Chennai at present as long as the workman was employed at that location at the time of filing the petition. The Industrial Disputes Act specifies that jurisdiction is established by the place of employment, not the employer's registered office. A workman can present their petition to the Labour Court in Kancheepuram.

Legal Basis

Place of Employment :

The Industrial Disputes Act, 1947, allows for cases to be filed in the jurisdiction where the cause of action arose, which is the place of employment.

Jurisdiction of Labour Courts :

The Labour Courts and Industrial Tribunals have Jurisdiction over matters arising within their territorial limits.

For the foregoing reason this court is of opinion that this petition is not maintainable and the same is liable to be dismissed.

In the result petition is dismissed. No cost.

This order has been dictated by me to the Steno-Typist, typed by her in the computer, corrected and pronounced by me in the Court on this 9th September 2025.

Presiding Officer,
Labour Court,
Kancheepuram

List of exhibits:

1. Copy of email dated 20.11.2013.
2. Cancellation deed dated 09.01.2024.
3. Transfer letter dated 16.10.2023
(filed along with the petition)

Presiding Officer,
Labour Court,
Kancheepuram