



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.10.2015

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

C.R.P (MD) No.2113 of 2015

and

M.P (MD) No.2 of 2015

The Management,
Madura Coats Employee's Co-operative
Stores Limited,
3, Arapalayam Cross Road,
Madurai.

.. Petitioner/Respondent

-vs-

K.Vani

.. Respondent/Appellant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 02.03.2015 passed by the Tamil Nadu Shops and Establishment Act, Appellate Authority (Deputy Commissioner of Labour), Madurai in TNSE I.A.No.09 of 2013.

For Petitioner : Mr.D.Sadiq Raja

ORDER

As only a short point is involved, we shall dispose of this Civil Revision Petition today at the admission stage itself.

2. This Revision arises out of allowing T.N.S.E.I.A.No.9 of 2014 by the Tamil Nadu Shops and Establishment Act, Appellate Authority (Deputy Commissioner of Labour), Madurai.

3. The respondent, who served as an audit assistant in the Madura Coats Employee's Co-operative Stores Limited, was dismissed from service. She filed a statutory appeal under the the Tamil Nadu Shops and Establishment Act before the Appellate Authority (Deputy Commissioner of Labour), Madurai, after a delay of 2131 days.

4. The Appellate Authority condoned the delay and posted the main appeal for hearing.

5. Aggrieved, the Management filed this revision.

6. According to the learned counsel for the revision petitioner, there was huge delay. She gave a false reason that she suffered from jaundice. No medical certificate was produced. She was actually appointed on a temporary basis. She was not appointed through employment exchange, as claimed by her. The learned counsel would cite *P.Sithivinayagm Vs. G.Bhoopalan* [2014 (2) CTC 415].

7. I have anxiously considered the submission of the learned counsel for the revision petitioner, perused the decision cited, gone through the materials on record and the impugned order.

8. The condonation of the delay now receives liberal approach. But, liberal approach should not be adopted in all cases. In fit cases, liberal approach can be adopted. Now, in this case, she has stated Jaundice. She has further stated that she has followed native treatment. In such circumstances, medical certificate is not possible. She was dismissed from service. She lost her livelihood. When a source of living has been deprived, there is no wrong in giving her chance for adjudication by condoning the delay. By giving her a chance either she may win or loose her case. Let she have a chance for adjudication. The Appellate Authority/the Deputy Commissioner of Labour had shown her indulgence. We are not heartless to uproot it.

9. In the circumstances, this revision fails and it is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

ps/sj
To

The Appellate Authority,
(Deputy Commissioner of Labour),
Madurai.

+1CC to Mr.A.Sadiq Raja Advocate Sr.No.60909

GJM/SKS/RR/26.10.15-2P-3C

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