

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.16720 of 2012

and M.P.No.1 to 3 of 2012

The Management of No.G.2275 Padalam
Primary Agricultural Co-operative Society Ltd.,
Rep.by its Special Officer,
Padalam, Kancheepuram District. .. Petitioner

Vs

1.The Deputy Commissioner of Labour
Appellate authority under the
Tamil Nadu Shops and Establishments Act 1947,
Teynampet, Chennai 600 006.

2.D.Sundaramoorthy ... Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India praying to issue a writ of Certiorari
calling for the records pertaining to the orders passed by the
1st respondent in TSE II/3/2010 dated 20.02.2012 and quash the
same.

For Petitioner : Ms.N.Valliamma for
M/s.M.Christopher
For R2 : Mr.C.Prakasam

O R D E R

This petition has been filed seeking a writ of Certiorari
calling for the records pertaining to the orders passed by the
1st respondent in TSE II/3/2010 dated 20.02.2012 and quash the
same.

2. Heard Ms.N.Valliamma, learned counsel appearing for the
petitioner and Mr.C.Prakasam, learned counsel appearing for the
second respondent.

3. The only grievance of the petitioner is that during the enquiry, the second respondent had not participated in the enquiry. In spite of the same, the enquiry officer had given a finding that all the charges framed against the second respondent was not proved.

4. The learned counsel appearing for the petitioner would submit that if a direction is given to the respondent to conduct a fresh enquiry after giving due opportunity to the second respondent as well as the Management, it would suffice.

5. The learned counsel appearing for the second respondent would also submit that if any such direction is given to conduct fresh enquiry, the same may be directed to be completed within a fixed time and that the second respondent would co-operate with the enquiry officer.

6. Considering the submission made by the learned counsel for the petitioner and the second respondent, it would be appropriate to direct the petitioner, to appoint an enquiry officer to enquire into a charges framed against the second respondent afresh.

7. Accordingly, the impugned order passed by the first respondent dated 20.02.2012 is set aside and the matter is remanded back to the enquiry officer to conduct enquiry afresh after giving due opportunity to the petitioner as well as the second respondent and pass appropriate orders in accordance with law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Kkd

To

The Deputy Commissioner of Labour
Appellate authority under the
Tamil Nadu Shops and Establishments Act 1947,
Teynampet, Chennai 600 006.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.63075
+lcc to Mr.S.Dhanaraj, Advocate, S.R.No.63375

vd(CO)
BB(28/12/2016)

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