

In the High Court of Judicature at Madras

Dated : 08.1.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.626 of 2016

Mrs.Selvi Mohanraj

...Petitioner

Vs

1.The Secretary to Government,
Labour Department, Fort St.
George, Chennai-9.

2.The Assistant Commissioner of
Labour/Deputy Controller of Legal
Metrology, II Circle, Chennai-35.

3.M/s.String Real Estate Information
Services, Chennai-35.

....Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to exercise their jurisdiction under the Maternity Benefit Act, 1961 and pass appropriate orders on the complaint of the petitioner dated 17.9.2014 claiming all maternity benefits under Section 12 of the Maternity Benefit Act, 1961 forthwith.

सत्यमेव जयते

For Petitioner : Mr.N.Chandra Raj

For Respondents 1 & 2 : Mr.R.Vijayakumar, AGP

ORDER

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for respondents 1 and 2. Heard the learned counsel for the petitioner. By consent, the writ petition itself is taken up for final disposal without ordering notice to the third respondent.

2. The petitioner has filed this writ petition seeking a direction to the second respondent, who is the Competent Authority under the provisions of the Maternity Benefit Act, 1961 to pass appropriate orders on the complaint given by the petitioner on 17.9.2014 claiming maternity benefits under Section 12 of the said Act.

3. The petitioner was an employee of the third respondent management and she had been discharged from employment by the third respondent. The petitioner has lodged a complaint before the second respondent on 17.9.2014 seeking to take appropriate action and direct the third respondent to disburse the maternity benefits. The petitioner would state that the complaint was entertained and that the second respondent enquired the petitioner and she has also placed all facts. However, it is submitted that the petitioner is unaware as to whether the third respondent management has been heard in the matter.

4. In any event, the petitioner does not seek a positive direction, but only seeks a direction to consider her complaint and pass appropriate orders. Since this Court is not inclined to go into the merits of the contentions raised by the petitioner, notice to the third respondent has been dispensed with.

5. In view of the above, the writ petition is disposed of with a direction to the second respondent to pass orders on the petitioner's complaint dated 17.9.2014, after hearing the third respondent management and considering all factual and legal issues, within a period of four weeks from the date of receipt of a copy of this order. No costs.

sd/-

Assistant Registrar (CO)

/TRUE COPY/सत्यमेव जयते

Sub-Assistant Registrar

RS

To

1. The Secretary to Government,
Labour Department,
Fort St. George,
Chennai-9.

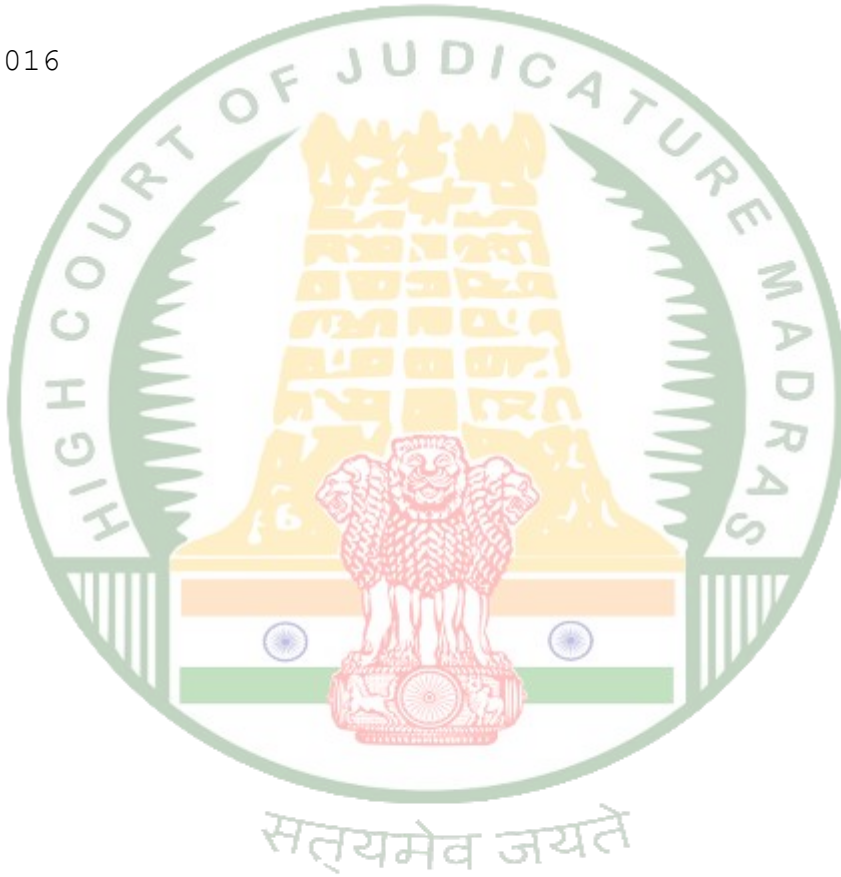
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2.The Assistant Commissioner of Labour/
Deputy Controller of Legal Metrology,
II Circle, No.33, Venkata Narayana Road,
2nd Floor, Nandanam, Chennai - 600 35.

+1 CC to MR.Raj & Raj Associates Advocate. SR.NO.1466
+1 CC to Govt.Pleader. SR.NO. 1806

WP.No.626 of 2016

CO-BVR
JD 01/02/2016



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