

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.6420 of 2017
& WMP Nos.6916 & 6917 of 2017

Tamil Nadu V.O.C. Thozhilalargal Union,
Rep. By K.Sivaji,
Indira Nagar, Pennagaram Taluk,
Dharmapuri District. .. Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by Secretary to Government,
Labour Welfare Department,
Fort St. George, Chennai-600 009.
- 2.The Labour Commissioner,
DMS Compound, Chennai.
- 3.The Labour Officer,
Social Security Scheme,
Dharmapuri. .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the third respondent pertaining to his proceedings in Na.Ka.No.141/2015 dated 06.02.2015 and quash the same.

For Petitioner .. Mr.M.Selvam

For Respondents .. Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

By the impugned notice dated 06.02.2015, the petitioner was asked to give an explanation as it was prima facie found that registration has been done twice by one Mrs.Govindammal, W/o Madappan. The petitioner has also given its reply on 09.03.2015. Thereafter, the present writ petition has been

filed placing reliance upon the orders passed by this Court in W.P.No.23329 of 2015 dated 21.07.2015 and W.P.No.42665 of 2016 dated 05.12.2016.

2. The learned counsel appearing for the petitioner submits that those two writ petitions have been filed on the ground of lack of jurisdiction. This Court is afraid that the said submission cannot be countenanced for more than two reasons. The petitioner has given its reply already to the impugned show cause notice, which was issued on 06.02.2015 and admittedly more than two years have elapsed. The said impugned notice has been issued merely asking for explanation, failing which appropriate action would follow. Thus, the notice did not contemplate any proposed action but only says action would follow thereafter. Therefore, the impugned notice is nothing but asking for explanation. Further more, entertaining the earlier writ petition with interim order by itself cannot be a ground as the same would not prevent passing final orders.

3. In such view of the matter, this Court does not find any merit in this writ petition. However, if no order is passed by the third respondent till now, the said authority is directed to pass appropriate orders on considering the reply given by the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

4. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Labour Welfare Department,
Fort St. George, Chennai-600 009.

2.The Labour Commissioner,
DMS Compound, Chennai.

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3.The Labour Officer,
Social Security Scheme,
Dharmapuri.

+1cc to M/S. Selvam, Advocate Sr. 16482
+1cc to the Government Pleader, Sr. 16712

W.P.No.6420 of 2017

NR(CO)
VR(24/03/2017)



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