

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P. No.9400 of 2015

H.H.577, Vandavasi Primary
Agricultural Co-operative Credit Society,
Rep., by its President,
Vandavasi (TK),
Tiruvannamalai District. ... Petitioner

Vs

1.The Appellate Authority,
under Tamilnadu Shops and Establishment Act/
Special Deputy Commissioner of Labour,
Commissionerate of Labour,
Teynampet, Chennai -6.

2.P.Babu,
No.37, Kanniappa Mudali Street,
Keshava Nagar,
Vandavasi (Po) & (TK),
Tiruvannamalai (Dt) - 604 408. ... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records of the first respondent in TSE No.13/2014, in TNSE.1/20/2011, dated 12.01.2015, quash the same and struck off the appeal in TNSE.1/20/2011 and pass such further or other order.

For petitioner .. Mr.M.S.Palaniswamy
For Respondents .. Mr.K.J.Shivakumar
GA

Mr.R.Arumugam for R2

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2. Heard Mr.M.S.Palaniswamy, learned counsel appearing for the petitioner, Mr.V.Subbiah, learned Special Government Pleader appearing for the first respondent and Mr.R.Arumugam, learned counsel appearing for the second respondent.

3. This Writ Petition has been filed against the order passed by the first respondent, dated 12.01.2015, in which it was held that the appeal filed by the second respondent is maintainable.

4. From the records, it is seen that the second respondent was initially dismissed based upon certain charges framed against him. The appeal filed by him was allowed. However, in the Criminal proceedings initiated against the second respondent, he was convicted. Based upon the order of conviction, he was once again dismissed. An appeal was preferred against the order of dismissal. Pending appeal, an application was filed by the petitioner questioning the maintainability of the appeal.

5. Now it is submitted by the learned counsel appearing for both sides that the conviction rendered by the Trial Court itself has been set aside in the appeal. Thus, there is no basis for the order of dismissal passed.

6. In such view of the matter, nothing survives for adjudication in this Writ Petition. Accordingly Writ Petition stands dismissed. The petitioner is directed to take a decision regarding the reinstatement of the second respondent. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pbn

To

1.The Appellate Authority,
under Tamilnadu Shops and Establishment Act/
Special Deputy Commissioner of Labour,
Commissionerate of Labour,
Teynampet, Chennai -6.

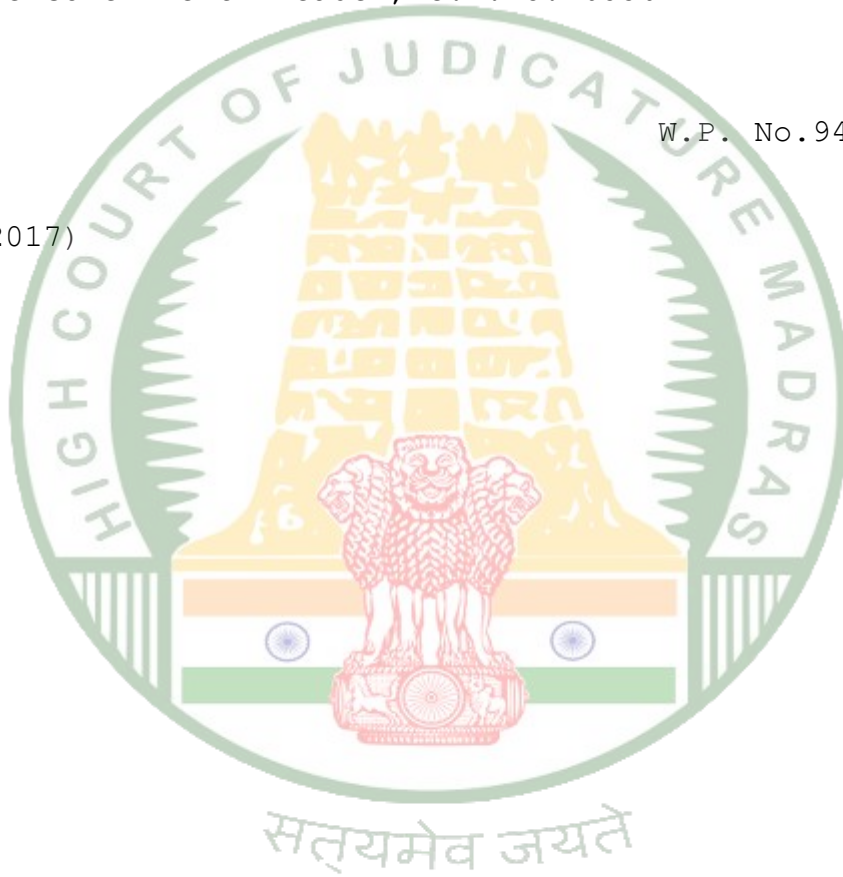
+1cc to Mr.Palanisamy, Advocate, S.R.No.16264

+1cc to Mr.Arumugam, Advocate, S.R.No.16147

+1cc to the Government Pleader, S.R.No.16536

W.P. No.9400 of 2015

KGK (CO)
RS (27/03/2017)



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