

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.10.2018

CORAM
THE HON'BLE DR.JUSTICE S.VIMALA
W.P.No.26290 of 2018
and W.M.P.Nos.30538 and 30543 of 2018

Podhu Thozhilalar Sangam (Regn.No.504/CPT)
rep.by its General Secretary, Mr.S.Kannan

... Petitioner

- Vs -

- 1.State of Tamil Nadu
represented by the Secretary
Labour and Employment Department
Secretariat, Chennai - 600 009.
- 2.The Joint Director
Industrial Safety and Health, Kancheepuram
No.A-28, Thiru.Vi.Ka. Industrial Estate
TANSI Corporation Office Building
1st Floor, Guindy, Chennai 600 032.
- 3.The Assistant Commissioner of Labour
Sriperumbudur, Kancheepuram District.
- 4.The Management of Myoung India Automative Pvt Ltd
rep.by its Managing Director, Mr.Yong Soo Chin
No.496/2, Mannur Village, Valarpuram Post
Sriperumbudur Taluk, Kanchipuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to take necessary action against the fourth respondent management for violating the labour laws and to ensure that the fourth respondent is following the labour law with strict adherence.

For Petitioner : M/s.Karl Marx

For Respondents: Mr.K.K.Ramesh,
Government Advocate - For R1-3

Mr.S.Ravindran, Senior Counsel
for Mr.M.Elangovan - for R4

O R D E R

This writ petition has been filed, seeking direction to the Government to initiate action against the fourth respondent for violating the labour laws and to ensure that the fourth respondent is following the labour laws with strict adherence.

2. Learned Senior Counsel appearing for the fourth respondent represents that action has been taken by the Government, by way of a show cause notice dated 17.09.2018, for which the fourth respondent has already given a reply.

3. Considering the facts and circumstances, it is open to the Government to decide on the further course of action. It is not for to this Court to decide on the manner in which the power of the Government has to be exercised. The discretion of this Court under Article 226 is to only direct the government to exercise the power and not with regard to the manner of exercise of power and ultimately if it turns out that the exercise of power is not made in accordance with law, it is open to the petitioner to challenge the same as per the remedies available under law. The Government shall complete the enquiry and take action within a period of two weeks from the date of receipt of a copy of this order. The writ petition is closed with the above directions. No costs. Consequently, connected W.M.Ps are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kst

To

- 1.State of Tamil Nadu
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Sriperumbudur Taluk, Kanchipuram District.

+1cc to Mr.Karl Marx.K.C., Advocate, S.R.No.73785
+1cc to Mr.S.Bazeer Ahamed, Advocate, S.R.No.74265
+1cc to the Government Pleader, S.R.No.74367

W.P.No.26290 of 2018
and W.M.P.Nos.30538
and 30543 of 2018

SJ(CO)

rrs 13/12/2018



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