

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2018

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.28551 of 2018
and
W.M.P No.33302 of 2018

The Management
M/s. Bray Controls India Pvt. Ltd. ..Petitioner
Perungudi, Chennai- 96
now functioning, Vallam Vadagal
SIPCOT, Sriperumpudur - 631 604

Vs.

1. N. Arunachalam
2. The Appellate Authority
under TNSE Act
The Deputy Commissioner of
Labour (MW), DMS
Teynampet, Chennai-6. ..Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in I.A. No.8/2018 in TNSE Appeal II/1/2018 on the file of the 2nd respondent dated 05/10/2018 and quash the same and consequentially direct the 2nd respondent to dismiss the appeal in TNSE Appea II/1/2018 on the file of the Appellate Authority under TNSE Act, The Deputy Commissioner of Labour (MW), DMS Teynampet, Chennai-6, appeal as without jurisdiction. सत्यमेव जयते

For Petitioner : Mr.K.S.Ilangovan
For Respondents : Mr.Balan Haridass

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O R D E R

This Writ Petition is filed to quash the proceedings in I.A. No.8/2018 in TNSE Appeal II/1/2018 on the file of the 2nd respondent.

2. The learned counsel for the petitioner would submit that the petitioner is aggrieved by the last paragraph of the impugned order passed by the 2nd respondent, in page 34 of the

type set of papers, rendering a finding that the appeal is not maintainable, under the Tamil Nadu Shops and Establishments Act, 1947. The said contention was rejected by the Special Deputy Commissioner of Labour at Chennai. Being aggrieved by the aforesaid finding, learned counsel for the petitioner prays to set aside that portion of the order, for the reason that the said finding would influence the final decision of the appeal.

3. Mr. Balan Haridass, takes notice for the 2nd respondent and fairly submits that the findings rendered in the I.A. No.8/2018 would not have any impact in deciding the main appeal and that all the issues raised by the parties concerned are left open at the time of deciding the appeal.

4. Recording the aforesaid submission of the learned counsel for the parties, the appellate authority is directed to dispose of the appeal on merits, in accordance with law, without being influenced by any of the observations made in the I.A. No.8/2018, in the aforesaid appeal.

5. The Writ Petition is disposed of, with the above directions. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

avr

To

The Appellate Authority under TNSE Act
The Deputy Commissioner of Labour (MW), DMS
Teynampet, Chennai-6.

+one cc to M/s.Achari & Antoni Associates, vide SR No.80049

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and
W.M.P No.33302 of 2018

rr(co)
ssm(02/01/2019)