



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2018

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No.11346 of 2017

and

W.M.P (MD) No.8733 of 2017

The Management

A.387 Kodaikanal Co-operative Stores Ltd.,

Kodaikanal,

Dindigul District.

... Petitioner

Vs.

1. The Appellate Authority,
Under the Tamil Nadu Shops and
Establishment Act,
(Deputy Commissioner of Labour)
Dindigul District.

2. S.Jeyaprakash
S/o Singaraj
2/443, Kambar Street,
Gandhinagar, Vathalakundu,
Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari or any other appropriate writ, order or direction against the order of the Appellate Authority under the Shops and Establishments Act Dindigul passed in T.N.S.E.No.03/2015 dated 13.03.2017 in the nature of writ calling for the records on the file of the first respondent and quash the same.

For Petitioner	: Mr.VOS.Kalaiselvam
For Respondents	: Mr.J.Gunaseelanmuthiah
	for R1
	Mr.R.Saravanan
	for R2

ORDER

The second respondent has questioned the order passed by the appellate authority under the Tamil Nadu Shops and Establishments Act setting aside the order of termination.



2.The second respondent was employed by the petitioner-society from 29.07.2013 to 10.06.2014. This is evident from Ex.A4 marked by the second respondent herein before the appellate authority. It is nothing but the reply given by the Management under the provisions of the Right to Information Act. The Management themselves have admitted that the second respondent herein was employed for almost 11 months. As per Section 41 of the Act, if a person has been employed for a period beyond 6 months, then his services could not have been dispensed with except for a reasonable cause and without giving at least one month notice or wage in lieu of such notice.

3.In this case, this procedure as set out in Section 41 (1) of the Act was not complied with. Therefore, the appellate authority rightly allowed the appeal filed by the second respondent herein. There is absolutely no merit in this writ petition. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Appellate Authority,
Under the Tamil Nadu Shops and
Establishment Act,
(Deputy Commissioner of Labour)
Dindigul District.

+ 1 cc TO Mr.R.Saravanan , Advocate in SR No. 51348
+ 1 cc TO Mr.V.O.S.Kalaiselvam , Advocate in SR No. 51354

skn

AE/SV MMS/SAR1/01.06.2018/2P/4C

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