



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.7286 and 13121 of 2016
and

W.M.P (MD) Nos.6151, 9911 and 15036 of 2016

W.P. (MD) No.7286 of 2016

R.Santhanam

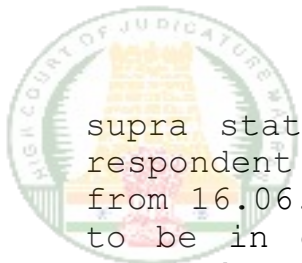
.. Petitioner

Vs.

1. The State of Tamil Nadu
rep. by Secretary,
Department of Labour and Employment,
Fort St. George, Chennai - 9.
2. The Commissioner of Labour,
Labour Department,
D.M.S. Compound,
Teynampet,
Chennai - 600 018.
3. The Deputy Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
3rd Street, Kaja Nagar,
Tiruchirapalli - 620 020.
4. M/s Shriram City Union Finance Limited,
rep. by its General Manager (Administration)
No.144, Santhome High Road,
Mylapore,
Chennai - 600 004.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in Na.Ka.No.AA1/5705/15 dated 01.09.2015 and Na Ka.No:DCL/CC/10/15 dated 12.01.2016 and quash the same as illegal and also directing the respondents 2 and 3 to proceed against the fourth respondent in accordance with Section 45 of the Tamil Nadu Shops and Establishments Act 1947 for contravention of Section 41 of the Tamil Nadu Shops and Establishments Act 1947 by not complying with the order dated 31.01.2015 passed by the third respondent under Section 41 of the



supra stated Act setting aside the impugned action of the fourth respondent orally dismissing the petitioner from his services on and from 16.06.2012 consequently declaring that the petitioner is deemed to be in continuous services entitling the petitioner to all the accrued wages and other attendant benefits.

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For petitioner : Mr.N.Balakrishnan
For respondents : Mrs.S.Srimathy
Spl. Govt. Pleader for R1 to R3
Mr.J.Bharathan for
Mr.T.R.Jeyapalam for R4

W.P. (MD) No.13121 of 2016

M/s Shriram City Union Finance Limited,
rep. by its Managing Director,
Greams Dugar, Door No.149,
Greams Road, Chennai - 600 006,
rep. by Power of Attorney,
C.Ganesh
S/o Chelliah

.. Petitioner

Vs.

1. The Commissioner of Labour,
D.M.S. Compound,
Theynampet,
Chennai - 600 018.

2. The Deputy Commissioner of Labour,
cum Appellate Authority under
Tamil Nadu Shops and Establishment Act, 1947,
Third Street,
Kaja Nagar,
Thiruchirapalli - 620 020.

3. R.Santharam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order dated 31.01.2015 passed in T.N.S.E Appeal No.5 of 2013 passed by the second respondent and quash the same.

For petitioner : Mr.J.Bharathan for
Mr.T.R.Jeyapalam
For respondents : Mrs.S.Srimathy
Spl. Govt. Pleader for R1 and R2
Mr.N.Balakrishnan for R3

**COMMON ORDER**

The writ petitioner in W.P(MD)No.7286 of 2016 was employed in the fourth respondent Company. He was absent for a period of one year. Therefore, he was denied employment when he went to report for duty. This gave rise to filing of an appeal before the appellate authority under the Tamil Nadu Shops and Establishments Act, 1947. The workman was successful and an award dated 31.01.2015 was passed in his favour for reinstatement. The said order is challenged by the employer in W.P(MD)No.13121 of 2016. W.P(MD) No.7286 of 2016 was filed by the employee for enforcement of the said order. Both the writ petitions were taken up together. This Court suggested to the parties that the issue could be given quietus by paying six months salary towards full quit. The employer was directed to go to the house of the employee and handover the demand draft.

2.Today, when the matter was taken up for hearing, the learned counsel appearing for the employer submitted that the suggestion given by this Court was complied with in letter and spirit. Therefore, as nothing survives for further adjudication, both the writ petitions stand closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary,
Department of Labour and Employment,
Fort St. George, Chennai - 9.
2. The Commissioner of Labour,
Labour Department,
D.M.S. Compound,
Teynampet, Chennai - 600 018.
3. The Deputy Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
3rd Street, Kaja Nagar,
Tiruchirapalli - 620 020.

+ 1 CC TO Mr.T.R.JEYAPALAM, ADVOCATE IN SR No. 57238

SKN

TE/SV/SAR-4 : 10/07/2018 : 3P/5C