

IN THE HIGH COURT OF JUDICATURE OF MADRAS
DATED: 08.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.20122 of 2004
and
WP.MP.No.24214 of 2004

V.Kirupalani,
Assistant Inspector of Labour,
Thiruthuraipoondi.

...Petitioner

Vs

1. The Inspector of Labour,
Periya Mill Street,
Vijayapuram,
Tiruvarur.
2. The Enquiry Officer &
Deputy Commissioner of Labour,
Khaja Nagar, 3rd Street,
Tiruchirapalli - 20.
3. The Commissioner of Labour,
D.M.S.Compound,
Teynampet, Chennai - 600006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate Writ, or order or direction more in the nature of a Writ directing the respondents to furnish the documents which were withheld by the second respondent by his Memorandum No.9044/2002 dated 24.06.2003 and start a denovo enquiry from the stage after furnishing the documents to the petitioner.

For Petitioner : Mr.V.Suthakar

For Respondents : Mrs.K.Bhuvaneshwari, AGP

WEB COPY
O R D E R

The order impugned in the present Writ Petition is a charge memo. It is submitted by the learned Additional Government Pleader that pending the Writ Petition, the Commissioner of Labour had imposed a punishment of stoppage of increment, without cumulative effect. As such, the prayer in the present Writ Petition has become infructuous.

2. Nevertheless, the learned counsel for the petitioner would submit that he had filed an amendment petition and seeks for amending the prayer.

3. In my view, such an amendment may not be proper, since the entire grounds to be raised for challenging the order of punishment would differ from the grounds raised in the present Writ Petition challenging the charge memo. Furthermore, the punishment has been imposed in the year 2004 and it would not be appropriate to re-agitate the matter after lapse of fourteen years, since the punishment had become final. As such, the petitioner's request for amendment also is not proper.

4. Hence, the present Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk

To

1.The Inspector of Labour,
Periya Mill Street,
Vijayapuram,
Tiruvarur.

2.The Enquiry Officer &
Deputy Commissioner of Labour,
Khaja Nagar, 3rd Street,
Tiruchirapalli - 20.

3.The Commissioner of Labour,
D.M.S.Compound,
Teynampet, Chennai - 600006.

+lcc to Mr.V.Suthakar, Advocate, S.R.No.11302

+lcc to the Government Pleader, S.R.No.11821

WP.No.20122 of 2004

and

WP.MP.No.24214 of 2004

NRL (CO)

rrs 11/03/2019