

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.15357 of 2005

and

W.P.M.P.No.16776 of 2005

Alpha Arts and Science College,
Rep., by its Chair Person
Dr.Grace George,
No.16, Thandulam, Porur,
Chennai-6.

.. Petitioner

-vs-

1.The Assistant Commissioner of Labour,
O/o. The Deputy Commissioner of Labour II,
I Floor, DMS Campus, Teynampet, Chennai-6.

2.The Secretary,
South Indian Road Transport Employees Union,
V.P.Sindan Memorial Hall, Old No.24, New No.11,
Jegannathan Street, Guindy, Chennai-32.

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the
records relating to the proceedings of the 1st respondent in
M.W.A.No.129/2004 dated 29.12.2004 and quash the same.

For Petitioner : Mr.R.Shivakumar,
For M/s.LA Law

For Respondents : R1 - Mr.J.Ramesh,
Additional Government Pleader
: R2 - No appearance

ORDER

The order dated 29.12.2004 passed by the 1st respondent in
M.W.A.No.129/2004 is under challenge in the present writ
petition.

2.Learned counsel for the writ petitioner states that the
1st respondent filed a petitioner under Section 20(2) of the
Minimum Wages Act and the 1st respondent passed an ex-parte
order. Learned counsel for the writ petitioner states that
notices were issued and received by the writ petitioner after

the hearing date and therefore, the petitioner was not in a position to defend their case before the authority concerned and under these circumstances, the case is to be remanded.

3.Though the learned counsel for the petitioner raised the points on merits, this Court is of an opinion that the order under challenge is an ex-parte order, which is to be remanded back for the purpose of re-consideration of the issues raised by the parties concerned.

4.In view of the fact that the writ petitioner received the notices after the hearing date, there is a justifiable reason to remand the matter back.

5.Accordingly, the writ petition is allowed. The order passed by the 1st respondent dated 29.12.2004, in M.W.A.No.129 of 2004 is quashed and the 1st respondent is directed to take the petition on file, issue notices to all the parties concerned and adjudicate the matter on merits and in accordance with law by affording opportunity to all the parties as expeditiously as possible. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Assistant Commissioner of Labour,
O/o. The Deputy Commissioner of Labour II,
I Floor, DMS Campus, Teynampet, Chennai-6.

2.The Secretary,
South Indian Road Transport Employees Union,
V.P.Sindan Memorial Hall, Old No.24, New No.11,
Jegannathan Street, Guindy, Chennai-32.

+1cc to The Government Pleader Sr.No.93337

AKM/17.12.19 /2P-4C/

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