

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.02.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.3121 of 2019
and
W.M.P.No.3382 of 2019

Oxford University Press India
Warehouse No.G(Ground Floor),
No.89m GNT Road, madhavaram
Chennai-600 110
rep.by its Manager

.. Petitioner

Vs.

1.The Director,
Industrial Safety & Heath
Thiru Vi Ka Industrial Estate,
Guindi, Chennai-600 032

2.The Deputy Director,
Industrial Safety & Health,
No.15, State Bank Colony,
2nd Street,
1st Floor, Tiruvottiur,
Chennai-600 019

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the 2nd respondent from initiating any proceedings against the petitioner, until the disposal of the Appeal filed by the petitioner dated 18.01.2019, under Section 107 of the Factories Act, before the first respondent and further direct the 1st respondent to dispose of the Appeal filed by the petitioner in a time-bound manner after providing personal hearing and adequate opportunity to the petitioner to make its case.

For Petitioner .. Mr.Anand Gopalan for
M/s.T.S.Gopalan and Co.,

For Respondents .. Mr.J.Ramesh,A.G.P.

ORDER

This writ petition is filed seeking a writ of mandamus to forbear the 2nd respondent from initiating any proceedings against the petitioner until the disposal of the Appeal, dated 18.01.2019, filed by them under Section 107 of the Factories Act, before the first respondent and further direct the 1st respondent to dispose of the Appeal in a time-bound manner after providing personal hearing and adequate opportunity to the petitioner to make their case.

2.The facts which gave rise to the filing of the present writ petition are briefly stated hereunder:

The second respondent had issued a show cause notice dated 08.11.2018 to the Petitioner Management as to why they should not be prosecuted for violation of the provisions of the Factories Act and the petitioner Management was directed to submit their explanation. In response to the show cause notice, a detailed reply appears to have been submitted by the petitioner Management on 13.12.2018 stating that no violation of Factories Act has been committed by them. However, not being satisfied with the explanation submitted by the Management, an order was passed by the second respondent on 18.12.2018 that further action would be taken against the petitioner Management under the provisions of the Factories Act. The said order is impugned in the present writ petition.

3.When the matter is taken up for hearing, the learned counsel appearing for the petitioner Management would submit that as against the order impugned dated 18.12.2018, an appeal has been filed before the first respondent under Section 107 of the Factories Act, on 18.01.2019 and the appeal is still pending. The learned counsel would submit that the petitioner Management, in the meanwhile, apprehends that before decision is taken in the appeal, further action would be taken by the second respondent in pursuance of the impugned order dated 18.12.2018. Therefore, he would submit that the order impugned in the present writ petition may be stayed till the disposal of the appeal by the second respondent.

4.In view of the apprehension raised by the learned counsel for the petitioner, the impugned order passed by the second respondent dated 18.12.2018 shall stand stayed till a decision is taken by the first respondent in the appeal filed by the petitioner Management, dated 18.1.2019, under Section 107 of the Factories Act.

With the above direction, the writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

msk

To

1.The Director,
Industrial Safety & Health
Thiru Vi Ka Industrial Estate,
Guindi, Chennai-600 032

2.The Deputy Director,
Industrial Safety & Health,
No.15, State Bank Colony,
2nd Street,
1st Floor, Tiruvottiyur,
Chennai-600 019

+1cc to Mr.T.S.Gopalan & Co, Advocate, S.R.No. 10562

W.P.No.3121 of 2019

KJI (CO)
GN(26/02/2019)

सत्यमेव जयते

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