



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.10487 of 2010

and

M.P. (MD)No.1 of 2010

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The President,
Kadhaparai Panchayat Union,
Karur Panchayat, Vennaimalai,
Kadhaparai Post, Karur District. ... Petitioner

vs.

1.A.Gunasekaran

2.The Block Development Officer (Panchayat),
Karur Panchayat, Vennaimalai,
Kadhaparai Post, Karur District.

3.The Deputy Director (Panchayat).
District Collector's Office,
Thanthonimalai Post,
Karur - 639 005.

4.The Deputy Commissioner of Labour,
Dindiugl. ... Respondents

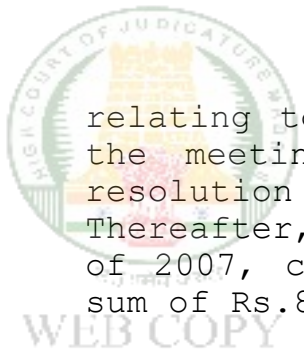
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order issued by the fourth respondent, dated 18.02.2010 in C.P.No.4 of 2007 and quash the same.

For Petitioner :Mr.M.Thirunavukarasu
For R1 : Mr.Ravi
For R2 :No Appearance
For R3 and R4 :Mr.R.Murugan
Additional Government Pleader

O R D E R

This Writ Petition is filed by the Management as against the impugned order of fourth respondent, dated 18.02.2010 in C.P.No.4 of 2007.

2.The first respondent was engaged as a Sanitary Worker in the petitioner Union. Stating that the first respondent did not report for duty from 01.01.2007, it is contended that the matter



relating to the first respondent was placed before the Council in the meeting held on 18.08.2007 and that the Council passed a resolution removing the first respondent from service. Thereafter, the first respondent filed a claim petition in C.P.No.4 of 2007, claiming a sum of Rs.5,400/- towards salary and further sum of Rs.825/- towards Pongal bonus.

3.Though the claim petition was oppsed on the ground that there was no employer and employee relationship between the petitioner and first respondent, because of the resolution of Council, dated 18.08.2007, the fourth respondent allowed the claim petition by holding that the first respondent is entitled to Rs.5,400/- towards salary and a further sum of Rs.825/- towards Pongal bonus. Aggrieved by the same, the petitioner has filed the above Writ Petition.

4.The petitioner has raised some factual issues. The fourth respondent has specifically held that the petitioner has not proved their contention by producing any documents before the fourth respondent. As a matter of fact, no one was examined on behalf of the petitioner and no document was filed/marked by the petitioner before the fourth respondent. When no document is filed or no one was examined to controvert the allegations made by the first respondent in his petition, this Court has no reason to interfere with the order of fourth respondent, which is impugned in this writ petition.

5.Though it is contended by the first respondent that there is alternative remedy of appeal, after this length of time, this Court is not inclined to dismiss this Writ Petition on the ground of availability of alternative remedy. Since there is nothing to interfere in the order of fourth respondent, this Court is not inclined to entertain this Writ Petition.

6.Accordingly, this Writ Petition is dismissed and order passed by the fourth respondent in C.P.No.4 of 2007, dated 18.02.2010 is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Block Development Officer (Panchayat),
Karur Panchayat, Vennaimalai,
Kadhaparai Post, Karur District.

2.The Deputy Director (Panchayat).
District Collector's Office,
Thanthonimalai Post,
Karur - 639 005.

3.The Deputy Commissioner of Labour,
Dindiugl.

2 CC to M/s.SPL GP (SR-97719, 97732[F] dated 12/11/2019)
+1 CC to M/s.C.DEEPAAK, Advocate (SR-97831[F] dated 13/11/2019)

W.P. (MD)No.10487 of 2010
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