



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
**DATED: 07.08.2019**  
CORAM:

**THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR**

**W.P(MD) .No. 6542 of 2019**  
**and W.M.P. (MD) No. 5241 of 2019**

P. Sevugaperumal : Petitioner  
Vs.

1. The Assistant Commissioner of Labour (Conciliation),  
Bharathi Ula Street, K.Pudur,  
Madurai - 625 002.
2. The Commissioner,  
Melur Municipality,  
Melur, Madurai District - 625 106. : Respondents

**PRAYER:** This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, directing the second respondent to revoke the order of suspension, dated 01.03.2019 issued by him, reinstate the petitioner in service.

For Petitioner : Mr. T. Ravichandran  
For Respondent-1 : Mr. Aayiram K. Selvakumar  
Additional Government Pleader  
For Respondent-2 : Mr. J. Gunaseelan Muthiah,  
Standing Counsel

**ORDER**

This Writ Petition has been filed to quash the impugned suspension order, dated 01.03.2019 passed by the second respondent and also sought direction to reinstate the petitioner in service.

2. According to the petitioner, he is working as a Sanitary worker in the second respondent Municipality and he was also holding the post of Secretary of Thenmandala Pothu Thozilalar Sangam, Melur Municipality Branch. Even, after many representations were submitted to the second respondent, he did not provide soap, towel, chapels to the sanitary workers who are engaged in sanitary work and hence, on 15.02.2019, a proper resolution was recorded at the General Body meeting of the union to raise it as a industrial dispute and hold a token strike on 04.03.2019, after issuing strike notice in Form-O was submitted to the first respondent/conciliation officer. According to the petitioner, the second respondent, even after receiving notice he did not attend the conciliation talks. But, the second respondent issued the impugned suspension order, dated



01.03.2019 and hence, the impugned suspension order is liable to be quashed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has made a representation, dated 06.03.2019 to the second respondent to revoke his suspension order, but, no order has been passed by the second respondent. He would further submit that the second respondent has not paid subsistence allowance and therefore, the second respondent has violated the principles of the Industrial Disputes Act, 1947. Hence, the instant writ petition is filed to quash the impugned suspension order, dated 01.03.2019 passed by the second respondent and also sought direction to reinstate the petitioner in service.

4. The learned standing counsel appearing for the second respondent would submit that the representation of the petitioner will be considered on merits, within a specified time that may be fixed by this Court.

5. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the petitioner's case, direct the second respondent to consider the petitioner's representation on merits and in accordance with law, as expeditiously as possible, preferably, within a period of Four (4) weeks from the date of receipt of copy of the order. It is open to the petitioner to furnish additional particulars, if any, to the second respondent, within a period of Two (2) weeks, from the date of receipt of copy of the order.

6. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS )

To

1. The Assistant Commissioner of Labour (Conciliation),  
Bharathi Ula Street, K.Pudur,  
Madurai - 625 002.

2. The Commissioner,  
Melur Municipality,

<https://hcservices.mca.gov.in/hcservices/>  
Melur, Madurai District - 625 106.



+1 CC to Mr.T.RAVICHANDRAN, Advocate ( SR-80504[F] dated  
08/08/2019 )  
+1 CC to Mr.J.GUNASEELANMUTHIAH, Advocate ( SR-80628[F] dated  
08/08/2019 )  
+1 CC to SPL GP ( SR-81207[F] dated 09/08/2019 )

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**KSA**

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