



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.26227 of 2019

and

W.M.P. (MD) No.22653 of 2019

WEB COPY

Sundaram Fasteners Limited
represented by its Chief Financial Officer,
(Survey No.126, 133 to 139 Arasakulam Village,
80, 81, 92 Aviyur Village and
122, 123 Kadamankulam Village)
Krishnapuram, Aviyur - 626 115,
Kariapatti Taluk,
Virudhunagar District. ... Petitioner

/vs./

The Joint Director of Industrial Safety & Health,
No.6/415-416, Postal Colony,
Madurai Road, Virudhunagar - 626 001. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent in proceedings Na.Ka.No.A.4372 of 2019 and quash its order dated 29.11.2019, direct the respondent to issue a Speaking order after considering the Reply of the petitioner dated 28.11.2019.

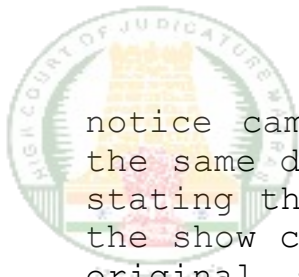
For Petitioner	: M/s.P.Malini
For Respondent	: Mr.M.Jeyakumar Additional Government Pleader

ORDER

This Writ Petition is filed to quash the proceedings passed in Na.Ka.No.A4372 of 2019 dated 29.11.2019 and to direct the respondent to issue a speaking order after considering the reply of the petitioner dated 28.11.2019.

2.The petitioner herein is aggrieved against the impugned amended show cause notice dated 29.11.2019, which is alleged to be predetermined of further action, without extending due opportunity to the petitioner.

3.The original show cause notice was received by the petitioner on 14.11.2019. On 18.11.2019, the petitioner herein had sought time of 15 days to submit his reply. Accordingly, the reply was sent on 28.11.2019. However, the original show cause



notice came to be amended through letter dated 29.11.2019. On the same date, the respondent herein had issued the impugned order stating that the petitioner herein had not submitted his reply to the show cause notice. When the respondent had chosen to have the original show cause notice amended, in all fairness, further opportunity ought to have been extended to the petitioner to submit his reply. Even otherwise, the fact that the petitioner had given his reply to the original show cause notice through registered post, would only show the bona fide conduct of the petitioner in having adhered to the time granted earlier. As such the present impugned order may not be proper and also in violation of principles of natural justice. However, if the petitioner is granted further time to reply the amended show cause notice dated 29.11.2019, the ends of justice could be secured.

4.In the light of the above observation, liberty is granted to the petitioner to give a detailed explanation to the original show cause notice as well as the amended show cause notice dated 29.11.2019, within a period of 15 days from the date of receipt of a copy of this order and on receipt of such explanation, the respondent herein shall consider the same on its own merits and pass appropriate speaking orders as expeditiously as possible.

5.With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

mm

to

The Joint Director of Industrial Safety & Health,
No.6/415-416, Postal Colony,
Madurai Road,Virudhunagar - 626 001.

+1 CC to M/s.P.MALINI, Advocate (SR-2274[F] dated 22/01/2020)

+1 CC to M/s.SPL.GP (SR-2326[F] dated 22/01/2020)

W.P. (MD) No.26227 of 2019

21.01.2020

PK(CO)

TR(03.02.2020) 2P 4C