



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.36186 of 2015 and
W.M.P.Nos.25251 of 2017 and 34321 of 2016

Dharmapuri - Krishnagiri Sri Amman
Kattumana Mattrum Amaippuchara
Thozhilalgal Nala Sangam,
Rep. by its President M.Ramasamy,
Bathalahalli Post, Harur Taluk,
Dharmapuri District.

...Petitioner

Vs

1. The Government of Tamil Nadu
Rep. by Secretary to Government,
Labour Welfare Department,
Fort St.George, Chennai - 600 009.

2. The Labour Commissioner,
DMS compound, Chennai.

3. The Labour Officer,
Social Security Scheme
Dharmapuri.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Certiorari or any other appropriate writ or order or direction in the nature of writ calling for the records of the 3rd respondent pertaining to his proceedings in Na.Ka.No.546 of 2011 dated 26.12.2011 and quash the same.

For Petitioner : M/S.M.Selvam

For Respondents : Mr.P.Sanjaigandhi
Government Advocate

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorari or any other appropriate writ or order or direction in the nature of writ calling for the records of the 3rd respondent pertaining to his proceedings in Na.Ka.No.546/2011



dated 26.12.2011 and quash the same.

2. The order impugned in the present Writ Petition is a show cause notice alleging that the death certificates enclosed along with the four applications are bogus and had called for their explanations as to why further action should not be initiated against them. The petitioner herein is an association representing these four applicants.

3. It is a settled proposition of the law that the High Court, exercising its powers under Article 226 of Constitution of India, will not normally interfere with a show cause notice, unless under exceptional circumstances like of jurisdiction or authority, etc. The grounds raised by the petitioner herein touches upon the merits of the claim made in the show cause notice and does not fall under these exceptions.

4. If at all, the members of the petitioner union are of the view that the certificates enclosed by the four applicants are not bogus, it is always open to them to submit such a fact by way of a reply to the show cause notice and as such, the present Writ Petition cannot be maintained against a show cause notice. Nevertheless, if the members of the petitioner union are granted liberty to give their replies to the show cause notice within a stipulated time, with a consequential direction to the authority to consider the same, the ends of the justice could be secured.

5. In the light of the above observations, this Writ Petition stands dismissed with liberty to the four applicants who are members of the petitioner union and whose names have been referred in the impugned show cause notice dated 26.12.2011, to give their respective replies, within a period of 15 days from the date of receipt of the copy of this order. On receiving such replies, the 3rd respondent herein shall consider the same, on its own merits and pass appropriate orders, in accordance with law, within a period of atleast 8 weeks from the date of receipt of such replies. Consequently, the connected Writ Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The Government of Tamil Nadu
Labour Welfare Department,
Fort St.George, Chennai - 600 009.

2. The Labour Commissioner,
DMS compound, Chennai.

3. The Labour Officer,
Social Security Scheme
Dharmapuri.

+1cc to Government Pleader, SR.No.65264

W.P.No.36186 of 2015

KG(CO)
GN(17/12/2021)