



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)Nos.11016 and 11017 of 2013

and

M.P. (MD)Nos.1 and 1 of 2013

WEB COPY

W.P. (MD)No.11016 of 2013

A 2911, State Government Employees,
Consumer Cooperative Stores Ltd.,
Tallakulam, Maduri 625 002.
Through its Special Officer.

... Petitioner

vs

1. The Deputy Commissioner of Labour,
(Controlling Authority Under
Tamil Nadu Shops and Establishment Act)
Vishwanathapuram, Madurai - 625 002.

2. Thiru N.Sundaramoorthy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent leading to order in **அதிமுக**.165/2013, dated 31.01.2013, to quash the same and to direct the first respondent to entertain the application filed to set aside the ex-parte order, dated 16.08.2012 in T.N.S.E.No.9 of 2008.

W.P. (MD)No.11017 of 2013

A 2911, State Government Employees,
Consumer Cooperative Stores Ltd.,
Tallakulam, Maduri 625 002.
Through its Special Officer.

... Petitioner

vs

1. The Deputy Commissioner of Labour,
(Controlling Authority Under
Tamil Nadu Shops and Establishment Act)
Vishwanathapuram, Madurai - 625 002.

2. Thiru S.Sonaimuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent leading to order in **அதிமுக**.166/2013, dated 31.01.2013, to quash the same and to direct the first respondent to entertain the application filed to set aside the ex-parte order, dated 16.08.2012 in T.N.S.E.No.10 of 2008.



In both cases:

For Petitioner : Mr.T.Ravichandran
For Respondents : No appearance

WEB COPY

COMMON ORDER

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent leading to order in dated 31.01.2013, to quash the same and to direct the first respondent to entertain the application filed to set aside the ex-parte order, dated 16.08.2012 in T.N.S.E.No.9 and 10 of 2008.

2. The second respondent in the writ petition has filed a petition before the Labour Officer under Tamil Nadu Shops and Establishments Act, challenging the dismissal order passed by the management during the proceedings, before the Deputy Commissioner of Labour.

3. The management appeared and has filed a counter affidavit stating that during the cross examination, the management could not be represented and the Deputy Commissioner of Labour has recorded in the order that the management has not appeared.

4. Aggrieved over by an ex-parte order, the management has preferred this present Writ Petition, and pleaded violation of natural justice.

5. Therefore, this Court without going into the merits of the case, is remanding back to rehear the petitioner by the Deputy Commissioner of Labour. Hence, both the Writ Petitions are allowed and the parties are, with liberty to file additional evidence beofore the Deputy Commissioner of Labour, and the Commissioner is directed to rehear the petitioner and grant appropriate opportunity to both the parties and thereafter, pass an order.

6. Hence, the Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

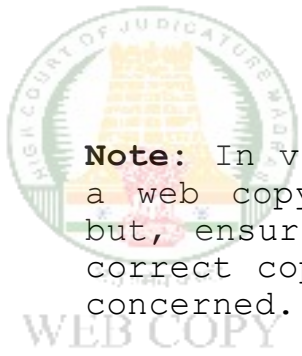
Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Deputy Commissioner of Labour,
(Controlling Authority Under
Tamil Nadu Shops and Establishment Act)
Vishwanathapuram, Madurai 625 002.

Order made in
W.P. (MD) Nos.11016 and 11017 of 2013

03.12.2021

USK (20.12.2021) 3P 2C