



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29 .11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P (MD) No. 5868 of 2013 and

M.P (MD) .No.2 of 2013

WEB COPY

R.Muthuvel

:Petitioner

.vs.

1.The Appellate Authority under the Tamil Nadu
Shops and Establishments Act,
(The Deputy Commissioner of Labour),
K.K.Nagar, Madurai.

2.The management
A-2984, Karuppayurani Primary Agricultural
Co-operative Credit Society,
Karuppayurani,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorari calling for the records of the 1st respondent made in TNSE.No.13/2011-dated 24.04.2021 and quash the same.

For Petitioner :Mr. R. Saravanan
For Respondents :No appearance

O R D E R

This petition has been filed to quash the impugned order passed by the 1st respondent made in TNSE.No.13/2011, dated 24.04.2021.

2. The petitioner is working as a Salesman from 1997 in the 2nd respondent Society at NCDC Fair Price Shops On 10.02.2010, the respondent issued a suspension order and initiated disciplinary proceedings by framing a charge memo, dated 04.03.2010. The petitioner has submitted a cryptic explanation and the Enquiry Officer was appointed and the Enquiry Officer submitted a report dated 25.03.2021 and has stated all the charges are proved. The second respondent issued a charge memo, dated 27.03.2010 thereby granting opportunity for the punishment of termination from service. The petitioner preferred an appeal before the appropriate authority under the Tamil Nadu Shops and Establishments Act, which was numbered as TNSE No.11/2011. The second respondent without



considering any grounds of appeal confirmed the dismissal order and dismissed the appeal vide order, dated 24.04.2012. The petitioner has filed the present Writ Petition to quash the order passed by the authority under the Tamil Nadu Shops and Establishments Act.

3. It is seen from the records that the respondents have not filed any counter.

4. On perusing the affidavit and the relevant records this Court has observed that the respondent has submitted a very cryptic explanation. The petitioner counsel submitted that the authorities had promised that if the petitioner accept to the charges and tender apology the petitioner would be relieved from charges and believing the words the petitioner has submitted a very cryptic explanation. On seeing the grounds of appeal preferred by the petitioner, the petitioner has elaborately stated several grounds. The appellate authority failed to see that the petitioner was not granted opportunity to submit with free mind and thereby there is violation of principles of natural justice.

5. Therefore, this Court is setting aside the impugned order passed by the first respondent, dated 24.04.2012 and the petitioner is directed to submit the detailed explanation to the second respondent and thereafter, the second respondent shall conduct the detail enquiry after giving adequate opportunity to the petitioner. Thereafter, the second respondent shall pass detailed speaking order.

6. Accordingly, the Writ Petition is allowed with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

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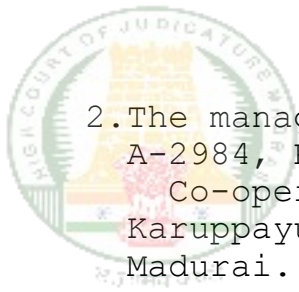
/ /2021

Sub Assistant Registrar(CS)

trp

To

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Madurai.



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+1 CC to M/s.R.SARAVANAN, Advocate (SR-36454[F] dated 30/11/2021)
W.P(MD) No. 5868 of 2013 and
M.P(MD) .No.2 of 2013
29.11.2021

TSK(CO)
GC(22.12.2021) 3P 4C