



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.1620 of 2018

and

C.M.P. (MD) .No.11739 of 2019

The Management,
Gandhigramkhadi and Village Industries
Public Charitable Trust,
represented by its Secretary, M.R.Rajagopalan,
Gandhigram-624 302,
Dindigul District. : Appellant / Petitioner
Vs.

1. The Deputy Commissioner of Labour /
Appropriate Authority under
Tamil Nadu Shop and Establishment Act,
Dindigul.
2. P.Arumugam : Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent,
praying to set aside the order passed by this Court in W.P.(MD).
No.7688 of 2017, dated 13.02.2018 and allow the Writ Appeal.

Prayer in WP(MD) . 7688/ 2017 :

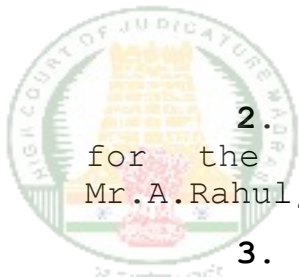
Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Certiorari calling for the records of the 1st respondent in its
Tamil Nadu Shops and Establishment Act Appeal No.6/2014 dated
4.4.2017 and quash the same.

For Appellant : Mr.V.Karthikeyan
For R-1 : No Appearance
For Respondent No.2 : Mr.Ajay Khose
for Mr.A.Rahul

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This appeal by the Management of Gandhigramkhadi and Village
Industries Public Charitable Trust, is directed against the order,
dated 13.02.2018 passed in W.P.(MD).No.7688 of 2017, filed by the
appellant / Trust, which has been disposed of based on certain
concession / submission made on behalf of the second respondent /
workman.



2. We have heard Mr.V.Karthikeyan, learned counsel appearing for the petitioner and Mr.Ajay Khose, learned counsel for Mr.A.Rahul, learned counsel appearing for the second respondent.

3. On a perusal of the impugned order, dated 13.02.2018, we find that the learned Writ Court did not adjudicate the correctness of the decision taken by the Authority under the Tamil Nadu Shops and Establishments Act, in its order, dated 04.04.2017, impugned in the Writ Petition, but proceeded to record the statement alleged to have been made on behalf of the second respondent / workman agreeing to remit a sum of Rs.16,850/- (Rupees Sixteen Thousand Eight Hundred and Fifty only) to the appellant / Trust and the appellant / Trust would settle the terminal benefits. We find that no such concession was accepted by the appellant / Trust and there is nothing in writing.

4. Therefore, the learned Writ Court was required to decide the correctness of the order passed by the first respondent and cannot dispose of the writ petition in the manner done. Therefore, the impugned order calls for interference.

5. Accordingly, the Writ Appeal is allowed and the order passed in the Writ Petition in W.P.(MD).No.7688 of 2017, dated 13.02.2018, is set aside. The Writ Petition is restored to the file of the learned Single Judge and the matter be listed before the appropriate Bench for hearing during the 2nd week of July 2021 and with a request to the concerned Bench to give an early date for the hearing of the writ petition and the impugned order passed in the Tamil Nadu Shops and Establishment Act was dated 04.04.2017 and the Writ Petition was filed before this Court in the year 2017. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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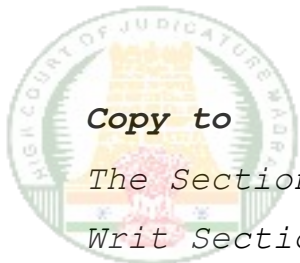
/ /2021

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 /
Appropriate Authority under
Tamil Nadu Shop and Establishment Act,



Copy to

The Section Officer through Joint Registrar(Judicial)
Writ Section

Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.A.RAHUL, Advocate (SR-19191[F] dated
11/06/2021)

+1 CC to M/s.SPL GP (SR-19222[F] dated 11/06/2021)

+1 CC to M/s.V.KARTHIKEYAN, Advocate (SR-19205[F] dated
11/06/2021)

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KB(17.06.2021) 3P 6C