



WEB COPY



W.P.No.42665 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.42665 of 2016

and W.M.P.Nos.36587 & 36588 of 2017

Salem, Dharmapuri, Krishnagiei Mavatta
Amaippuchara Mattrum Karrumana Thozhilalargal
Rep by its President Mrs.Shanthi
Velalar Street, A.Malaiapuram Post,
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 Court,
Society Security Scheme,
Dharmapuri.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India 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 calling for the records of the 3rd respondent pertaining to his proceedings in Na.Ka.No.388/2013 dated 21.08.2013 and quash the same.

For petitioner : Mr.M.Selvam

For Respondents : Mr.M.S.Prem Kumar,



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Government Advocate for R1 to R3

ORDER

Aggrieved by the impugned show cause notice issued by the 3rd respondent/Labour Officer, the petitioner is before this Court.

2. The petitioner union is a Trade union registered under the Trade Unions Act formed with an objective to protect the interest of the Labourers in the unorganized sector and construction industry in and around the Dharmapuri District. Pursuant to the welfare schemes introduced by the Government, applications were made under the Manual Labourer (Construction workers) Welfare Scheme. Alleging irregularities in verifying and certifying the said applications show cause notice dated 21.08.2013 was issued by the 3rd respondent to the petitioner union. Challenging the said showcause notice, the petitioner is before this Court.

3. This Court heard the learned counsel appearing on either side and perused the materials available on record.

4. Though the present Writ Petition has been filed challenging the impugned order of issuance of show cause notice, however, it has been the



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consistent view of the Courts that the Courts cannot interfere with the show cause notice at the threshold. Therefore, the prayer sought for in the present Writ Petition cannot be entertained. The petitioner has to necessarily submit their explanation to the show cause notice. Upon receipt of such explanation, the 3rd respondent is directed to pass appropriate orders on the same. However, liberty is granted to the petitioner to raise objections, if any, before the said authority.

5. With the above observations, this Writ Petition stands disposed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

25.07.2023

NHS
Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order

M.DHANDAPANI, J.

NHS



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To
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1. Secretary to Government,
Government of Tamil Nadu,
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2. The Labour Commissioner,
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3. The Labour Court,
Society Security Scheme,
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