



W.P.No.9524 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9524 of 2016

and W.M.P.No.8557 of 2016

Amalorpavam Higher Secondary School,
Rep by its Principal,
Lourdes Campus, Vanarpt,
Puducherry-605 501.

.. Petitioner

Vs.

1. The Labour Officer (Conciliation),
Office of the Labour Officer (Conciliation),
Puducherry-605 011.

2. A.John Bosco

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ in the nature of a Writ of Certiorari or any other appropriate Writ, direction or order, calling for the records relating to the Conciliation Proceedings initiated by issuing the Notice of Enquiry/Conciliation bearing No.868/LO(C)/AIL/2015, dt.10.02.2016 on the file of the 1st Respondent and quash the same.



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For petitioner : M/s.T.P.Manoharan
for T.M.Naveen & L.Mahesh
For Respondents : Mr.A.Tamilvanan,
Additional Government Pleader (P) for R1.
:Mr.S.Parthasarathi for R2.

ORDER

Aggrieved by the order passed by the 1st respondent, the petitioner is before this Court.

2. It is the case of the petitioner that the 2nd respondent who was appointed as a regular driver in the petitioner school assigning the work of driving a smaller load carrier viz. Tata Ace van used for transporting stationary and other materials, was suspended from service by issuing a charge sheet on the ground that he has raised false allegations against the petitioner school as he was not assigned with the driving work which he opted for. In this regard, the petitioner has approached the 1st respondent/labour officer, which resulted in issuance of notice of remarks to the petitioner school, pursuant to which, the petitioner has sent a detailed



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reply dated 13.08.2015 to the 1st respondent, however, without considering the same, 1st respondent has initiated conciliation proceedings against the petitioner and the petitioner has been issued with the present impugned notice of enquiry dated 10.02.2016 calling upon to participate in the enquiry. Aggrieved by the same, the petitioner is before this Court.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice if this Court issues a direction to the 1st respondent to consider the petitioner's detailed reply dated 13.08.2015 and final orders may be passed after considering the same, within the time that may be stipulated by this Court.

4. On the above contention, this Court heard the learned Additional Government Pleader, Pondicherry appearing on behalf of the 1st respondent and the learned counsel appearing for the 2nd respondent who made his submissions on the basis of the counter affidavit filed on behalf of the 2nd respondent.



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5. In view of the limited relief sought for by the petitioner, the 1st respondent is directed to consider the detailed reply dated 13.08.2015 submitted by the petitioner in pursuance to the notice of remarks issued to the petitioner school and pass appropriate orders on merits within a period of twelve weeks from the date of receipt of a copy of this order, after an opportunity of personal hearing to the petitioner as well as the 2nd respondent.

6. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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NHS

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order



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To
WEB COPY

The Labour Officer (Conciliation),
Office of the Labour Officer (Conciliation),
Puducherry-605 011.



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M.DHANDAPANI, J.

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