



W.P.(MD) No.5507 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.5507 of 2020
and WMP(MD) No.4802/2020

The Management
Rep. By its President,
MM3215 Madurai District Ex-Servicemen
Consumer Cooperative Stores Ltd., ... Petitioner

-VS-

1.The Appellate Authority /Deputy Commissioner of labour
Bharathi Ula Road, Racecourse,
Madurai

2.S.Muniyandi ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the 1st respondent in his proceedings of Case No.TNSE06/2017 dated 27.12.2019 and quash the same as illegal.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.S.Palanivelayutham for R2
No appearance for R1



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ORDER

The petitioner challenges the impugned order of the 1st respondent dated 27.12.2019.

2. The case of the petitioner in nutshell is as follows:

It is the case of the petitioner that the petitioner is a management and under the management, 13 fair price shops and a kerosene bulk were running. The 2nd respondent was initially appointed as a Clerk and subsequently promoted as Manager. While he was working as Manager, the 2nd respondent misused his position and misappropriated the society amount and a memo has been issued, charges have been framed, enquiry officer has been appointed and accordingly, he was reverted to the post of Clerk on 25.06.2014 and for the subsequent misappropriation, he was issued with a punishment of compulsory retirement on 21.01.2015. Challenging the punishment of compulsory retirement, the 2nd respondent approached the first respondent. The first respondent, vide impugned order dated 27.12.2019 allowed the appeal, challenging which, the present writ petition is filed.



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3. When the writ petition came up for hearing, the learned counsel for the petitioner would submit that the 2nd respondent made a claim before the first respondent under the Tamil Nadu Shops and Establishments Act (hereinafter referred to as 'the Act'). The first respondent passed an order in favour of the 2nd respondent. The learned counsel would further submit that the present writ petition is filed solely on the ground that the first respondent has no jurisdiction to entertain the claim made by the 2nd respondent. He would contend that since the 2nd respondent was a manager in the petitioner management, there is an appeal remedy available under Section 24 of the Act and hence, this Court may pass appropriate direction.

4. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, without interfering with the impugned order, this writ petition is disposed of by directing the petitioner to file an appeal in terms of Section 24 of the Act within a period of four weeks from the date of receipt of a copy of this order. If such appeal is filed, the appellate



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authority shall consider the same and pass orders in accordance with law.

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No costs. Consequently connected Miscellaneous Petition is closed.

20.01.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

RR

To

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M.DHANDAPANI, J.

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