



W.P.(MD)No.16117 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16117 of 2020

and

W.M.P(MD)No.13496 of 2020

Y-10, Eathamozhy Primary Agricultural
Co-operative Credit Society,
Represented by its President,
Eathamozhy Post,
Agustheeswaram Taluk,
Kanyakumari District – 629 501.

... Petitioner

Vs

1.The Deputy Commissioner of Labour,
(Authority under Gratuity Act),
Office of the Joint Commissioner of Labour,
Thirumal Nagar, Perumalpuram Post,
Aanaiyarkulam Extension,
Tirunelveli District – 627 007.

2.D.Rethinasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 04.09.2020 passed by the first respondent in Aa2/3217/2017 and quash the same as illegal.



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For Petitioner : Mr.V.H.S.Prathap
For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1
Mr.D.Saravanan for R.2

ORDER

Heard the learned counsel on either side.

2.The second respondent was employed in the petitioner Society. By the impugned order dated 04.09.2020, the Management has been directed by the first respondent to pay interest. The learned counsel appearing for the Management contends that this order was passed without notice. It appears that based on the petition submitted by the second respondent herein, the impugned order came to be straightaway passed. The petitioner was not put on notice. It is clearly in violation of the principles of natural justice. In this view of the matter, the order impugned in this writ petition is set aside.

3.The learned counsel appearing for the petitioner states that the petitioner will appear before the first respondent on 08.05.2023 at 03.00 p.m. The petitioner will not receive any independent notice. After hearing the petitioner and the second respondent herein and after perusing the relevant



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record and after giving full opportunity to both the parties, final order will be passed by the first respondent within a period of four weeks thereafter.

4.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.04.2023

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

To

The Deputy Commissioner of Labour,
(Authority under Gratuity Act),
Office of the Joint Commissioner of Labour,
Thirumal Nagar, Perumalpuram Post,
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G.R.SWAMINATHAN, J.

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