



WEB COPY



W.P.No.25804 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2024

CORAM:

THE HONOURABLE JUSTICE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.25804 of 2015
and W.M.P.No.21900 of 2019
and M.P.Nos.1 and 2 of 2015

Salem Mandal Udaya Amaippuchara Mattrum
Kattumana Thozhilalgal Nala Sangam,
Rep., by its President C.Raja,
Old Pudu Reddiyur Village,
Obilinaikenhalli Post, Pappireddipattti Taluk,
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 Officer,
Social Security Scheme,
Dharmapuri. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari to call for the records of the third respondent pertaining to his proceedings in Na.Ka.No.407 of 2013 dated 23.08.2013 and quash the same.



WEB COPY



W.P.No.25804 of 2015

For Petitioner : Mr.M.Selvam

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

Aggrieved by the impugned show cause notice issued by the third respondent in proceedings Na.Ka.No.407/2013 dated 23.08.2013, the petitioner is before this Court.

2. The petitioner/ Salem Mandal Udaya Amaippuchara Mattrum Kattumana Thozhilalgal Nala Sanga, 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 by the petitioner Union under the Manual Labourer (Construction workers) Welfare Scheme. Alleging irregularities in verifying and certifying the said applications show cause notice dated 23.08.2013 was issued by the third respondent to the petitioner union. Challenging the said show cause notice, the petitioner is before this Court.



W.P.No.25804 of 2015

3. Heard both sides and perused the materials available on records.

WEB COPY

4. The Writ Petition has been filed challenging the impugned order of issuance of show cause notice dated 23.08.2013, however, it has been the consistent view of the Courts that the Courts cannot interfere with the show cause notice at the threshold, thereby, 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 third respondent will pass appropriate orders. However, liberty is granted to the petitioner to raise all objections, before the said authority, in response to the impugned show cause notice.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

05.01.2024

jai

Index: Yes/No

Speaking Order: Yes/No



WEB COPY



W.P.No.25804 of 2015

Dr.D. NAGARJUN, J.

jai

To

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 Officer,
Social Security Scheme,
Dharmapuri.

WP.No.25804 of 2015

05.01.2024