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W.P.No.9463 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.9463 of 2024
and
W.M.P.Nos.10455 of 2024

Mahendran

... Petitioner

Vs.

1. The Joint Commissioner Labour Department – 1,
Teynampet, Chennai – 600 006.

2. Gowthami

3. Banumathi

4. Vignesh (Minor)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records in the order in I.A.No.10 of 2023 in E.C.No.41 of 2019 dated 08.01.2024 passed by the first respondent and quash the same.

For Petitioner : Mr.D.Magesh

For Respondent : Mrs.H.Jayanthy
Additional Govt. Pleader for R1
Mr.B.Anandan for R2 & R4
No appearance for R3



W.P.No.9463 of 2024

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ORDER

Heard Mr.D.Magesh, the learned counsel for the Petitioner and Mrs.H.Jayanthi, the learned Additional Govt. Pleader for R1 and Mr.B.Anandan, the learned counsel for R2 & R4.

2. This Writ Petition is filed challenging the records in the order in I.A.No.10 of 2023 in E.C.No.41 of 2019 dated 08.01.2024 passed by the first respondent.

3. Mr.D.Magesh, the learned counsel for the petitioner, submitted that the petitioner has filed an Interlocutory Application in I.A.No.10 of 2023 seeking dismissal of the claim petition in E.C.No.41 of 2019 filed by the legal heirs of the deceased Sumanraj claiming that he is an employee of the writ petitioner; but the contention of the petitioner is that there is no employee-employer relationship between himself and Sumanraj and that he was only a working partner; the learned counsel for the petitioner further submitted that earlier the very same Court has allowed the Interlocutory Application on 13.10.2023 and later it has dismissed the same by simply amending the result portion of the earlier order and without any notice to the



W.P.No.9463 of 2024

petitioner.

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4. An earlier order has been passed by the first respondent on 13.10.2023 by allowing the said Interlocutory Application. The only ground that has been raised by the petitioner before this Court is that the first respondent who has passed the order dated 13.10.2023 has chosen to allow the application in I.A.No.10 of 2023 on 08.01.2024 without giving any notice to the petitioner herein.

5. If the first respondent considers that the earlier order dated 13.10.2023 passed in I.A.No.10 of 2023 has to be revised, the same could have been done only after putting the petitioner on notice. Since notice has not been given before passing the order, even if it is presumed to be a typographical error, I feel the impugned order is liable to be set aside and the matter has to be remanded back to the file of first respondent and to direct the first respondent to issue notice to the parties concerned and pass orders within a stipulated time.

6. Accordingly, this Writ Petition is disposed by setting aside the order dated 08.01.2024 passed by the first respondent made in I.A.No.10/2023 in E.C.No.41/2019 and the same is remanded back to the file of the first



W.P.No.9463 of 2024

respondent and the first respondent is directed to reconsider the matter afresh by putting the concerned parties on notice and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

27.08.2024

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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W.P.No.9463 of 2024

To:

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1. The Joint Commissioner Labour Department – 1,
Teynampet, Chennai – 600 006.



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W.P.No.9463 of 2024

R.N.MANJULA, J.

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W.P.No.9463 of 2024

27.08.2024