



W.P.No.32943 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2024

CORAM:

THE HON'BLE DR JUSTICE D.NAGARJUN

W.P.No.32943 of 2023

N.Nethaji

...Petitioner

Versus

1.The Commissioner of Labour,
Labour Commissionerate,
DMS Complex, Teynampet,
Chennai – 600 006.

2.The Joint Commissioner of Labour (Conciliation) No.II,
Office of the Deputy Commissioner of Labour,
DMS Office, Teynampet,
Chennai – 600 006.

3.The Director of Drugs Control,
259/261, Anna Salai,
Chennai – 600 006.

4.The Assistant Director of Drugs Control,
Kancheepuram Zone,
259/261, Anna Salai,
Chennai – 600 006.

...Respondents

Prayer: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Mandamus directing the 1st respondent to conduct fresh enquiry and pass an appropriate order in respect of the impugned summons issued by the 2nd respondent bearing No.D1/9252/2022 dated 30.01.2023.



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For Petitioner : Mr.AJ.Mohamed Kassim
For Respondents : Mr.RU.Dinesh Raj Kumar
R1 to R4 Additional Government Pleader

ORDER

This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Mandamus directing the 1st respondent to conduct fresh enquiry and pass an appropriate order in respect of the impugned summons issued by the 2nd respondent bearing No.D1/9252/2022 dated 30.01.2023.

2. It is submitted by learned counsel for the petitioner that the petitioner was working as a “chemist” in the 5th respondent company since 07.07.2010, after completion of probation, his services were made permanent and an appointment letter was issued on 01.01.2011. Subsequently, an employment agreement was also executed on 02.04.2012.

3. On 11.10.2019, the 5th respondent issued a show cause notice seeking explanation on certain allegations including absence, the

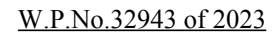


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petitioner was suspended as per the order dated 04.11.2019. Without conducting any domestic enquiry the petitioner was ultimately terminated on 18.11.2020.

4. The petitioner has submitted a complaint dated 07.12.2022 to the Chief Minister of Tamil Nadu and the same was forwarded to the first respondent on 16.12.2022 and then the second respondent directed the petitioner on 30.01.2023 to appear before him on 07.02.2023. This writ petition is filed for seeking writ of mandamus and pass an appropriate order in respect of the impugned summons issued by the 2nd respondent bearing No.D1/9252/2022 dated 30.01.2023.

5. Learned Additional Government Pleader submits that subsequent to issuance of impugned summons, the enquiry was conducted and orders were passed, directing the petitioner to approach the appropriate forum. The petitioner instead of contesting the termination order dated 18.04.2020, has sought for issuance of mandamus in respect of enquiry that was conducted on the requisition send to the Chief Minister. During the course of submissions, the learned counsel for



6. In view of the above, this writ petition is disposed off giving liberty to the petitioner to approach the appropriate forum challenging the impugned order, subject to limitation. There shall be no order as to costs.

Index :Yes/No
Speaking :Yes/No
Neutral Citation Case:Yes/No
nst



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DR D.NAGARJUN,J.



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