



W.P.(MD)No.8685 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8685 of 2024

and

W.M.P.(MD).Nos.7931 & 7934 of 2024

Arangaraj

... Petitioner

Vs.

1. The District Collector, Collectorate,
Karur
2. The Deputy Commissioner of Labour,
O/o. Joint Commissioner of Labour,
Dindigul.
3. The Thasildar,
O/o.Thasildar Office,
Karur District.

4. Ponambalam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the order passed by the second respondent advising to pay minimum bonus in Na.Ka.No. Aa1/198/2020, dated 14.03.2022 to quash the same.

For Petitioner

: Mr.V.Vishnu

For R-1 to R-3

: Mr.M.Ramesh,
Government Advocate



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ORDER

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Heard Mr.V.Vishnu, learned counsel appearing for the petitioner and Mr.M.Ramesh, learned Government Advocate appearing for respondent Nos.1 to 3.

2. The petitioner has filed this petition challenging the order of the second respondent declaring that the fourth respondent is entitled to get bonus for the period from 01.04.2013 to 31.01.2018, which period he was working under the petitioner.

3. Earlier the fourth respondent has claimed minimum wages by way of filing a petition in Case No.PW 04/2020 before the Joint Commissioner of Labour, Dindigul and the same was dismissed on 14.02.2022 and thereafter, the fourth respondent has filed a petition before the second respondent claiming bonus and the second respondent has passed the impugned order dated 14.03.2022 directing the petitioner to give bonus at 8.33% for the period from 01.04.2013 to 31.01.2018 to the fourth respondent. Challenging the same, the present Writ Petition came to be filed.



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4. So far the impugned order for disbursing the bonus is concerned, the petitioner has been given with a notice, but he has not chosen to appear before the appropriate authority. So an exparte order has been passed on 14.03.2022.

4. Mr.V.Vishnu, learned counsel appearing for the petitioner submitted that the impugned order has been passed on a matter which has been treated as an industrial dispute and hence, the same cannot be sustained. He further submitted that all these matters ought to have been contested by the petitioner before the competent authority and the impugned order came to be passed on the petition filed by the fourth respondent without giving any opportunity to the petitioner for making his submissions.

5. Even though the petitioner was at fault for not making his appearance before the appropriate authority, I feel that the petitioner has to be given one more opportunity to make his submissions before the appropriate authority.

6. In view of the above, the Writ Petition stands **allowed** and the impugned order passed by the second respondent in Na.Ka.No. Aa1/198/2020, dated 14.03.2022 is set aside and the matter is remanded back to the file of the second respondent before whom the petitioner shall make his appearance and on



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such, appearance, the second respondent shall consider and pass appropriate

orders afresh on merits after hearing the petitioner. No costs. Consequently,

connected petitions are closed.

03.06.2024

Index:yes/no

Internet:yes/no

Ncc : yes/no

TSG

To

1. The District Collector, Collectorate,
Karur
2. The Deputy Commissioner of Labour,
O/o. Joint Commissioner of Labour,
Dindigul.
3. The Thasildar,
O/o.Thasildar Office,
Karur District.



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R.N.MANJULA, J.

TSG

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