



W.P.(MD).No.10659 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.10659 of 2024

and

W.M.P.(MD).No.9533 of 2024

M/A 693 Vellabommanpatti,
Primary Agricultural Co-operative Credit Society,
Represented by its,
Administrator,
Vellabommanpatti,
Thummalagundu (Post),
Vadamadurai (via), Vedasandoor Taluk,
Dindigul District.

...Petitioner

Vs

1.The Appellate Authority under the
Tamil Nadu Shops and Establishments Act/
Joint Commissioner of Labour,
Dindigul.

2.K.Manivannan

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order dated 25.03.2024 issued by the first respondent made in TNSE.Appeal No.4/23 and quash the same as illegal and unconstitutional.



W.P.(MD).No.10659 of 2024

For Petitioner : Mr.P.Mahendran
For R-1 : Mr.T.Amjad Khan
Government Advocate
For R-2 : Mr.S.Somaselvakumar

ORDER

Heard Mr.P.Mahendran, learned counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate for the 1st respondent and Mr.S.Somaselvakumar, learned Counsel for the 2nd respondent.

2. This Writ Petition has been filed seeking to quash the order of the first respondent dated 25.03.2024 made in TNSE.Appeal No.4/23.

3. Mr.P.Mahendran, learned counsel for the petitioner submitted that the petitioner Management has challenged the award of the Joint Commissioner of Labour dated 25.03.2024 in TNSE.Appeal No.4/23 by allowing the appeal preferred by the second respondent challenging the termination order.



W.P.(MD).No.10659 of 2024

4. The limited arguments of the learned counsel for the petitioner that the impugned order has been passed exparte without hearing the petitioner. In the order, it is stated that the counsel for the Management has filed Vakalat, but he did not file any counter and participated in the proceedings. The petitioner who had engaged the counsel and filed vakalat during the appeal proceedings ought to have made his appearance and contested the appeal by avoiding an exparte order.

5. The learned counsel for the petitioner submitted that on 25.01.2024, when the case was originally posted, it happened to be a local holiday and in view of that he has lost the track of case. Hence, the absence of the petitioner is not intentional.

6. Since the order has been passed exparte and the petitioner has stated sufficient reasons to set aside the exparte order, I feel in the interest of justice, the first respondent shall take the opportunity of passing an order on merits after hearing both the parties. In order to enable the same, the impugned order dated 25.03.2024 made in TNSE.Appeal No.4/23 passed by the first respondent should be set aside.



W.P.(MD).No.10659 of 2024

WEB COPY

7. In view of the above, this Writ Petition is **allowed** and the impugned order dated 25.03.2024 made in TNSE.Appeal No.4/23 is set aside and the matter is remitted back to the file of the first respondent and dispose the appeal afresh after hearing the petitioner by giving him an opportunity. No costs. Consequently, connected miscellaneous petition is closed.

19.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

The Appellate Authority under the
Tamil Nadu Shops and Establishments Act/
Joint Commissioner of Labour,
Dindigul.



WEB COPY



W.P.(MD).No.10659 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD).No.10659 of 2024

19.06.2024