



CMP(MD) No.11975 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty First day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN
and
The HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CMP(MD) No.11975 of 2024
in
WA(MD)No.895 of 2018

THE MANAGEMENT
A 387 KODAIKANAL COOPERATIVE STORES LTD.,
KODAIKANAL,
DINDIGUL DISTRICT.

... PETITIONER/APPELLANT

Vs

1 THE APPELLATE AUTHORITY
UNDER THE TAMILNADU SHOPS AND ESTABLISHMENTS ACT,
(DEPUTY COMMISSIONER OF LABOUR)
DINDIGUL DISTRICT.

2 A.SAHUL HAMEED

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1309 days in filing the CMP(MD).SR60865 of 2024 in WA(MD). 895 of 2018 which was dismissed for default on 4.1.2019 as against the 2nd respondent.

PRAYER in WA(MD)No.895 of 2018:

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P(MD)No.11346/2017 dated 26.2.2018.



CMP(MD) No.11975 of 2024

Prayer in WP(MD). 11346/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction against the order of the Appellate Authority under the Shops and Establishments Act Dindigul passed in T.N.S.E. No. 03/2015 dated 13.03.2017 in the nature of Writ calling for the records on the file of the 1st Respondent and quash the same.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.O.S.KALAISELVAM, Advocate for the petitioner and of Mr.M.SIDHARTHAN, Additional Government Pleader for the 1st respondent the Court made the following order:-

Since the order of termination of the second respondent from service has been set aside and Covid pandemic period was intervened, we are inclined to condone the delay, however on certain terms.

2. Accordingly, this civil miscellaneous petition is allowed and the delay of 1309 days in filing C.M.P.(MD) SR No.60865 of 2024 in W.A.(MD) No.895 of 2018 is condoned subject to the payment of Rs.2,000/- (Rupees two thousand only) by the petitioner to the learned counsel for the second respondent, within a period of two weeks from the date of receipt of a copy of this order.



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3. Post the matter after two weeks for reporting compliance.

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sd/-

21/11/2024

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/11/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK

TO

1THE APPELLATE AUTHORITY
UNDER THE TAMILNADU SHOPS AND ESTABLISHMENTS ACT,
(DEPUTY COMMISSIONER OF LABOUR)
DINDIGUL DISTRICT.

ORDER
IN
CMP(MD) No.11975 of 2024
in
WA(MD)No.895 of 2018
Date :21/11/2024

SS/GSV/SAR- /27/11/2024/ 3P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023