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W.P.No.11958 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11958 of 2012

- 1.V.Sarojini (Deceased)
- 2.Renukadevi
- 3.Banumathi
- 4.Pugazhenth

(P2 to P4 are substituted as LRs of
deceased first petitioner as per order dated
13.02.2025 in W.M.P.No.5747 of 2024
in W.P.No.11958 of 2012 by MDIJ)

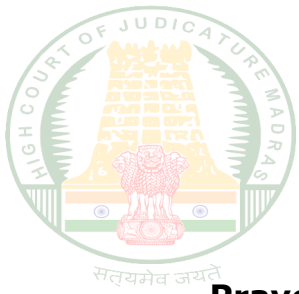
... Petitioners

Vs.

- 1.The Deputy Labour Commissioner of Labour,
(for Minimum Wages)
Labour Department,
D.M.S.Complex,
Chennai 600 006.
- 2.The Special Officer/ Management,
Kancheepuram District Consumer of
Co-operative Whole Sales Stores Ltd.,
185, Prakasam Salai,
Chennai – 1.
- 3.The Registrar, for Co-operation
N.V.N.Nataraja Maligai,
Periyar Salai, Kilpauk,
Chennai 600 010.

(R3 – Deleted as per order dated
09/1/17 by DKKJ in WMP.34953/16
in WP.11958/2012)

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to sanction all the backwages and other attendant benefits from the first dismissal order dated 14.04.1987 till the petitioner's superannuation on 30.06.2006 and pension and other attendant benefits from the date of the petitioner's superannuation from 01.07.2006 onwards.

For Petitioners : Mr.P.Solomon
For Respondents : Mr.M.Murali for R1
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to sanction all the backwages and other attendant benefits from the first dismissal order dated 14.04.1987 till the petitioner's superannuation on 30.06.2006 and pension and other attendant benefits from the date of the petitioner's superannuation from 01.07.2006 onwards.

2.The learned counsel appearing for the petitioner submitted that during the pendancy of this writ petition, the petitioner died and



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his legal heirs are substituted as petitioners 2 to 4 in the writ petition.

The learned counsel further submitted that the original petitioner was dismissed from service on 14.04.1987 and challenging the same, he filed appeal in TSE (A) No.49 of 1991 before the Deputy Commissioner of Labour II (for minimum wages) for Shops and Establishment Act and the Deputy Commissioner of Labour II vide order dated 08.12.1994 set aside the dismissal order. Subsequently, the original petitioner was reinstated in service on 12.05.2006 and again he was dismissed from service vide order dated 28.06.2006 and the petitioner attained the age of superannuation on 30.06.2006. Thereafter again the petitioner filed appeal in TSE No.119 of 2008 before the Deputy Commissioner of Labour (for minimum wages) for Shops and Establishment Act and the Deputy Commissioner of Labour vide order dated 07.04.2011 set aside the dismissal order, however, the said order was not implemented and the benefits due to the original petitioner was not settled.

3.In view of the above, this Court directs the respondents to implement the order of the Deputy Commissioner of Labour (for minimum wages) for Shops and Establishment Act dated 07.04.2011 in



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TSE No.119 of 2008, if not already implemented, within a period of four weeks from the date of receipt of a copy of this order and grant the benefits due to the original petitioner in favour of his legal heirs/ petitioners 2 to 4.

4.The writ petition is disposed of. No costs.

13.02.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Deputy Labour Commissioner of Labour,
(for Minimum Wages)
Labour Department,
D.M.S.Complex,
Chennai 600 006.
- 2.The Special Officer/ Management,
Kancheepuram District Consumer of
Co-operative Whole Sales Stores Ltd.,
185, Prakasam Salai,
Chennai – 1.



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The matter is listed today under the caption 'for being mentioned'.

2.It is represented before this Court that on 13.02.2025, Mr.L.P.Shanmugasundaram, learned Special Government Pleader appeared on behalf of the second respondent, however, his appearance has not been mentioned in the order dated 13.02.2025 made in W.P.No.11958 of 2012.

3.In view of the above, the relevant portion of the order dated 13.02.2025 made in W.P.No.11958 of 2012 is to be read as follows:

**'For Respondents: Mr.M.Murali for R1
Government Advocate
Mr.L.P.Shanmugasundaram for R2
Special Government Pleader'**

4.Registry is directed to carry out the necessary corrections and re-issue copy of the order to the respective learned counsel appearing for the parties.

25.03.2025

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