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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

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THE HONOURABLE MR JUSTICE RMT. TEEKAA RAMAN

WMP NO. 6826 of 2025

IN

REV.APLW NO. 134 OF 2014

Gnanaselvi Udayakumar
W/o.Udayakumar, B-26, Grihalakshmi
Apartments, 640/643, T.H.Road, Tondiarpet,
Chennai-81, Now Residing At No.33, Newel
Deva Lakshmi Apartment, 6th Cross Street
Shenoy Nagar West, Chennai 30.

Petitioner(s)

Vs

The Management
Mac Agro Industries Ltd., No.36-40, Aremenian
Street, Chennai-1 (now Known As South India
Corporation Agencies Ltd) and another

Respondent(s)

For Petitioner(s):

T.Aananthi
A.B.Iniya Niranjana

For Respondent(s):

ORDER

This main Writ Petition was filed against the order passed by the learned Special Deputy Commissioner of Labour (Appellate Authority under the Tamil Nadu Shops and Establishments Act, 1947), Chennai. The first respondent herein, in TSE.1/42/2001, passed the following order under the Tamil Nadu Shops and Establishments Act.



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".....I do not go into the question whether enquiry findings are served on the appellant or not. The sole ground of vitiated enquiry is enough for me to quash the impugned dismissal order dated 11.03.98 (Exhibit-R17) against the appellant passed by respondent. The respondent also did not prove the charge against the appellant even in the proceedings before me as enunciated by the Supreme Court in the UPASI Case 1997 CTC 418."

2. Aggrieved by the same, the Management has filed the Writ Petition.

3. By an order dated 19.03.2013 in W.P. No. 12754 of 2004, this Court passed an order in Paragraph VII as follows :-

"7. Considering the facts and circumstances of the case and also considering the submission now made by the learned counsel for the petitioner Management, the impugned order of the 1st respondent is set aside and the Writ Petition is allowed with a direction to the petitioner Management to conduct a fresh enquiry after issuing proper notice to the 2nd respondent and proceed further in accordance with law. No costs."

4. The respondent did not appear, although Advocate Sundaramoorthy had filed a vakalat. A paper publication was issued in the Review Application, and proof was filed. However, no one appeared.



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5. By the interim order, I find that the Management was directed to deposit a sum of Rs. 3 lakhs, and the petitioner-employee was permitted to withdraw Rs. 1.5 lakhs. Accordingly, the Management deposited Rs.3 lakhs before the Labour Commissioner to the credit of the aforementioned case, and a sum of Rs. 1.5 lakhs was withdrawn.

6. The present application in W.M.P. No. 6826 of 2025 seeks to withdraw the balance of the consideration.

7. After perusing the final order passed in the Writ Petition, I find that the Management initially issued an order of dismissal, which was set aside by the Labour Commissioner under the Tamil Nadu Shops and Establishment Act. In the Writ Petition, the dismissal was allowed, and a fresh inquiry was ordered. Now, without reinstatement, a fresh inquiry appears to have been ordered. Hence, I am not expressing any opinion, and the petitioner is permitted to withdraw the remaining balance of Rs. 1.5 lakhs credited to the aforementioned case.



8. Accordingly, W.M.P. No. 6826 of 2025 is allowed.

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9. The Registry is directed to post the main Review Application on
09.04.2025.

17-03-2025

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RMT.TEEKAA RAMAN,J.,

nvi

WMP NO. 6826 of 2025 IN
REV.APLW NO. 134 OF 2014

17.03.2025