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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.6360 of 2022
and WMP.No.6439 of 2022

Simpson & Group Companies Employees
Co-operative Society Ltd,
Represented by its President Mr.R.Ravichandran,
No.1, Desia Colony, Perambur High Road,
Perambur, Chennai – 600 012.

... Petitioner

Vs

1.The Deputy Commissioner of Labour
(Authority under the Payment of Subsistence
Allowance Act), Chennai – 600 006.

2.P.Selvakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in PSA. I.A. No.01 of 2021 dated 16.02.2022 and quash the same.

For Petitioner : Mr.P.Mohanraj
For Respondents : Mr.L.S.M.Hasan Fizal, AGP for R1
: Mr.K.Selvaraj for R2

ORDER



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This writ petition has been filed by the petitioner challenging the order passed by the first respondent in PSA. I.A. No.1 of 2021 dated 16.02.2022.

2. The second respondent was dismissed from service by the petitioner/management holding that charges against him were proved. Against such dismissal order, the second respondent filed a suit in O.S.No.5384 of 2004 on the file of IV Assistant Judge, City Civil Court, Chennai, praying to declare that the dismissal from service was illegal and to reinstate him in service with effect from 17.12.2003 and the same was dismissed by an order dated 01.04.2010. However, the City Civil Court remitted the matter back to the enquiry officer for reconsideration of the enquiry report. Challenging the same, the petitioner/management filed an Appeal in A.S.No.174 of 2012 and the appeal was dismissed for default. Thereafter, the petitioner filed a petition to restore the appeal in CMP.SR.No.49184 of 2013. Pending CMP, the second respondent has filed an application seeking subsistence allowance with a delay of 5983 days in PS.A I.A.No.1 of 2021 in filing the application. The Labour Court has allowed the said petition by condoning the delay of 5983 days through an order dated 16.02.2022. Aggrieved by the said order, the present writ



petition has been filed.

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3. The learned counsel appearing for the petitioner submitted that already the appeal in A.S.No.174 of 2012 was allowed in favour of the petitioner/management through an order dated 19.12.2024 by confirming the order of dismissal from service of the second respondent. Since the Appeal in A.S.No.174 of 2012 was allowed, the order passed by the first respondent in PSA.I.A. No.1 of 2021 has no effect and is subject to the result of the Appeal in A.S.No.174 of 2012.

4. The learned counsel for the respondent also fairly conceded and did not dispute the submission made by the learned counsel for the petitioner.

5. In view of the same, no further order is required to be passed in this writ petition.



6. Recording the same, this writ petition is closed. No costs.

Consequently, connected Miscellaneous Petition is also closed.

02.07.2025

drl

To

1. The Deputy Commissioner of Labour
(Authority under the Payment of Subsistence
Allowance Act), Chennai – 600 006.

P.DHANABAL, J.,



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drl

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