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W.P.Nos.6357 to 6359 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.6357 to 6359 of 2015

and

MP.Nos.1 (3 Nos) of 2015

M/s.L.G.Balakrishnan & Brothers Ltd.,
Rep. by its Deputy Managing Director,
P.Prabakaran,
Annur Plant,
Kattampatti Post,
Coimbatore – 641 107.

...Petitioner in all W.P.s

Vs.

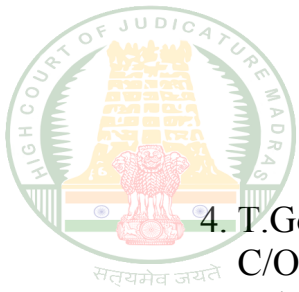
1. The Assistant Commissioner of Labour
(Authority under Tamil Nadu Payment
of Subsistence allowances Act)
Office of the Deputy Commissioner of Labour,
Coimbatore.

2. The Deputy Commissioner of Labour,
(Appellate Authority under Tamil Nadu Payment of
Subsistence allowances Act),
Coimbatore.

... Respondents 1 and 2 in all W.P.s

3. K.Velayudham (T.No.143)
C/O.Coimabtoe District General Engineering,
Labour & Mechanical Labour Union,
Ganapathy Pudur 3rd Street,
Coimbatore – 641 106.

... 3rd respondent in W.P.No.6357 of 2015



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4. T.Gopal (T.No.160)
C/O.Coimabtoe District General Engineering,
Labour & Mechanical Labour Union,
Ganapathy Pudur 3rd Street,
Coimbatore – 641 106. ... 3rd respondent in W.P.No.6358 of 2015

5. K.Ragupathi (T.No.389)
C/O.Coimabtoe District General Engineering,
Labour & Mechanical Labour Union,
Ganapathy Pudur 3rd Street,
Coimbatore – 641 106. ... 3rd respondent in W.P.No.6359 of 2015

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari, calling for records of the Principal Labour Court, Chennai in I.D.No.103 of 2015 and quash its award dated 23.03.2022.

In all W.P.s:

For Petitioner : Mr.S.Ravindran, Senior counsel for
S.Bazeer Ahamed

For Respondent : Mr.V.Ajoy Khose for R3
Mr.K.Surendran, AGP for R1 and R2

COMMON ORDER

The issue involved in these three writ petitions lies on a very narrow compass.

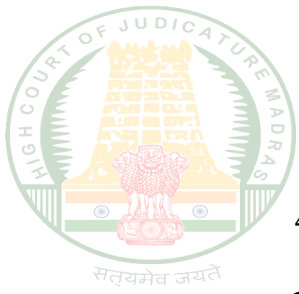
2. The second respondent Deputy Commissioner of Labour, sitting in the arm chair of the first respondent Assistant Commissioner of Labour had



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passed orders on petitions filed by the third respondents herein and decided petitions filed under payment of subsistence allowance. Considering the short point to be decided, this Court is not inclined to go into the facts of the case in detail, except stating that the third respondents were employed under the petitioner management and they were placed under suspension on account of misconduct, pending enquiry, the third respondents filed a petition under payment of subsistence allowance. The said petitions were decided by the second respondent Deputy Commissioner of Labour.

3. However, as per the Government Order in G.O.Ms.No.2104 Labour dated 01.10.1985, the Government had authorised only the Assistant Commissioners of Labour in the office of Deputy Commissioner of Labour to exercise the powers vested in the Government under Section 4 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981. Admittedly, in the present case, the second respondent Deputy Commission of Labour has passed the orders on the short point the impugned orders are set aside and the writ petitions are allowed.



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4. The first respondent / Assistant Commissioner of Labour is directed to re-hear the petitions filed by the third respondents herein and pass appropriate orders after affording opportunities to both sides.

5. Since the petitions are pending from the year 2013, the first respondent is directed to pass orders as early as possible and in any case within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

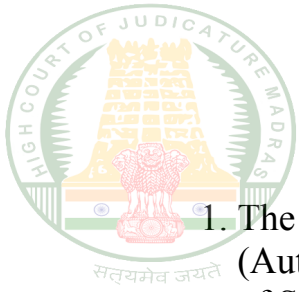
11.03.2025

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

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M.DHANDAPANI, J.



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