



W.P.No.30967 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30967 of 2018

And

W.M.P.No.36101 of 2018

M/s.Kancheepuram District Consumer
Co-Operative Wholesale Stores Ltd.,
Rep. by its Managing Director,
No.185, Prakasam Saalai,
Chennai 600 108.

... Petitioner

Vs.

1.G.Venkatesan
2.Shankari.V
3.Parthasarathi.V
4.Sathya Nithya.V

(R2 to R4 being the legal heirs of
the deceased first respondent are
brought on record as per the order
of this Court dated 09.04.2025 made
in W.M.P.No.14878 of 2025 in
W.P.No.30967 of 2018 by MDIJ)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari to call for the records in pursuant to the
impugned order dated 10.07.2018 passed by the Hon'ble II Additional
Labour Court, Chennai in C.P.No.6 of 2014 and quash the same.



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For Petitioner : Mr.R.Prem Narayan
For Respondents : Mr.P.Solomon

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records in pursuant to the order dated 10.07.2018 passed by the II Additional Labour Court, Chennai in C.P.No.6 of 2014 and quash the same.

2.The learned counsel appearing for the petitioner submitted that the deceased first respondent was an employee of the petitioner and he was dismissed from service for his mis-conduct, against which, he filed appeal under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947 and obtained an exparte order in his favour on 11.07.2011. Thereafter, the petitioner filed petition to set aside the exparte order, however, the said petition was returned. The deceased first respondent filed claim petition under Section 33-C(2) of the Industrial Disputes Act in C.P.No.6 of 2014 before the II Additional Labour Court, Chennai and the II Additional Labour Court, Chennai passed the impugned order directing the petitioner to pay a sum of Rs.12,40,916/- as arrears of backwages to the petitioner.



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3.The learned counsel appearing for the petitioner further submitted that the petitioner filed W.P.No.12819 of 2015 challenging the order dated 11.07.2011 and this Court vide order dated 30.08.2023 set aside the order dated 11.07.2011 passed by the Authority under the Tamil Nadu Shops and Establishments Act, 1947/ Deputy Commissioner of Labour (Minimum Wages), Chennai and directed the Deputy Commissioner of Labour (Minimum Wages), Chennai to hear the petitioner and pass appropriate orders, pursuant to which, the appeal filed by the deceased first respondent was restored and thereafter since the deceased first respondent did not appear, the same was dismissed for non prosecution on 02.12.2024 and till date restoration petition was not filed either by the employee or his legal heirs. Hence, when the original order passed by the Deputy Commissioner of Labour (Minimum Wages), Chennai was set aside, the impugned order passed in C.P.No.6 of 2014 on the basis of the said original order is not sustainable one.

4.The learned counsel appearing for the respondents submitted that this Court may grant liberty to the respondents 2 to 4/ legal heirs of the deceased first respondent to work out the remedy in the manner



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known to law before the Authority under the Tamil Nadu Shops and Establishments Act, 1947/ Deputy Commissioner of Labour (Minimum Wages), Chennai.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Admittedly, the impugned order was passed on the basis of the order dated 11.07.2011 passed by the Authority under the Tamil Nadu Shops and Establishments Act, 1947/ Deputy Commissioner of Labour (Minimum Wages), Chennai, in the appeal filed by the employee, however, the order dated 11.07.2011 was set aside by this Court vide order dated 30.08.2023 made in W.P.No.12819 of 2015 which was filed by the petitioner and the matter was remanded back to the Deputy Commissioner of Labour (Minimum Wages), Chennai and subsequently, the appeal filed by the employee was dismissed. Hence, the impugned order is not sustainable.

7.The writ petition is allowed. The order dated 10.07.2018 passed by the II Additional Labour Court, Chennai, in C.P.No.6 of 2014



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is set aside. Liberty is granted to the respondents 2 to 4/ legal heirs of the deceased first respondent to work out the remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

09.04.2025

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

To

1.The II Additional Labour Court,
Chennai.



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M.DHANDAPANI,J.
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