



W.P.(MD)No.4174 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.4174 of 2021

and

W.M.P.(MD).Nos.3358 and 3359 of 2021 and 21055 of 2022

D.Stephen

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Handloom, Handicraft, Textiles and Khadi Department,
Fort St. George, Chennai – 9.
- 2 State of Tamil Nadu,
Rep. by its Secretary,
Personnel and Administrative Reforms Dept.,
Fort St. George,
Chennai – 9.
- 3.The Director of Handloom and Textiles,
Kuralagam, Chennai-600 108.
- 4.The Tamil Nadu Textile Corporation Ltd.,
Rep. by its Managing Director,
201-B, Alagesan Road, Saibaba Colony,
Coimbatore - 641 011



W.P.(MD)No.4174 of 2021

5.The Commissioner of Labour,
O/o the Commissioner of Labour,
Chennai 600 006.

6.The Assistant Commissioner of Labour (Conciliation),
C.1.3, Collectorate Complex,
Viruthunagar.

7.The Manager / Factory In-charge,
TNTC Powerloom Complex,
Aruppukottai - 626 101,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified Mandamus, calling for the records pertaining to the communication dated 23.10.2020 in Lr.No.IA/PLC/2020-21(2) issued by the fourth respondent and quash the same as unconstitutional consequently direct respondent Nos.4 to 7 to permit the petitioner to continue service as Weaver as per G.O(Ms)No.51, dated 07.05.2020 issued by the second respondent.

For Petitioner : Mr.P.Subbiah

For R-1 to R-3,
R-5 & R-6 : Mr.C.Satheesh,
Government Advocate

For R-4 : Mr.R.L.Dhilipan Pandian

ORDER

This writ petition has been filed challenging the impugned communication dated 23.10.2020 issued by the fourth respondent and consequently seeking a direction to respondent Nos.4 to 7 to permit the



W.P.(MD)No.4174 of 2021

petitioner to continue in service as a Weaver as per G.O(Ms)No.51, dated 07.05.2020, issued by the second respondent.

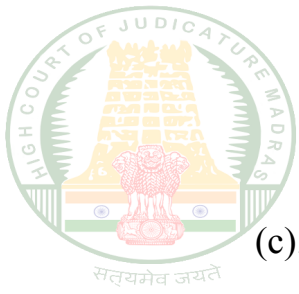
2. The petitioner claims that he is entitled to continue in employment with the seventh respondent till the completion of 59 years of age, as per G.O(Ms)No.51, dated 07.05.2020, issued by the second respondent. But, however, the same has been refused under the impugned communication dated 23.10.2020, which states that the said Government Order is not applicable to the case of the petitioner.

3. A counter affidavit has been filed by the respective respondents before this Court disputing the contentions of the petitioner and reiterating that G.O(Ms)No.51, dated 07.05.2020, issued by the second respondent, is not applicable to the case of the petitioner, since the petitioner was only a workman employed with the seventh respondent Corporation.

4. The following are the undisputed facts:

(a). The petitioner has not challenged the relieving order issued to him by the seventh respondent Corporation relieving him from service.

(b). The petitioner has also received the gratuity amount and other amounts payable by the seventh respondent pursuant to the petitioner being relieved from service from the seventh respondent Corporation.

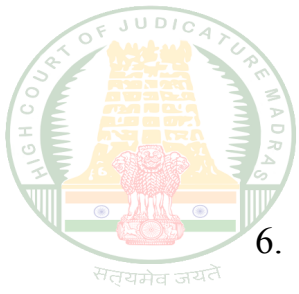


W.P.(MD)No.4174 of 2021

(c). In this writ petition, the petitioner has only challenged the impugned communication issued by the fourth respondent rejecting the petitioner's request to permit him to continue in service as a Weaver in the seventh respondent Corporation as per G.O(Ms)No.51, dated 07.05.2020, issued by the second respondent.

(d). The seventh respondent Corporation has since closed down his business in the year 2023, subsequent to the filing of this writ petition.

5. Since the petitioner has not challenged the relieving order relieving him from service in the seventh respondent Corporation and he has also received the benefits from the seventh respondent Corporation pursuant to him being relieved from service, the question of entertaining this writ petition does not arise. If the petitioner disputes that he has been legally relieved from service, he ought to have challenged the relieving order issued by the seventh respondent Corporation. The petitioner has also received the benefits from the seventh respondent Corporation after he was relieved from service. The seventh respondent has also closed down its business in the year 2023 subsequent to the filing of this writ petition.



W.P.(MD)No.4174 of 2021

6. The learned Special Government Pleader appearing for respondent

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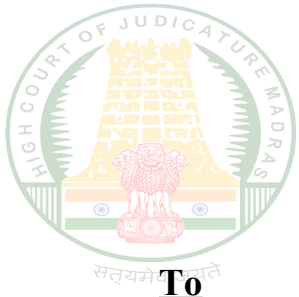
Nos.1 to 3, 5 and 6 has also placed on record the orders passed by this Court in identical cases involving the seventh respondent Corporation, wherein, this Court had rejected the request made by the respective petitioners seeking for the very same relief that has been sought for by the petitioner in this writ petition. The learned counsel appearing for the petitioner would submit that though these decisions are not applicable to the facts of the case of the petitioner and he also relied upon another decision made by this Court granting benefit to the respective petitioner, this Court is not inclined to accept the request of the learned counsel appearing for the petitioner, since admittedly, the petitioner has not challenged the relieving order and has also received the benefits pursuant to the petitioner being relieved from service.

7. For the foregoing reasons, this Court does not find any merit in this writ petition and the same stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

15.09.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

5/7



W.P.(MD)No.4174 of 2021

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W.P.(MD)No.4174 of 2021

ABDUL QUDDHOSE, J.

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W.P.(MD)No.4174 of 2021

15.09.2025