



WP(MD)No.6805 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.6805 of 2018 and
WMP(MD)No.6516 of 2018**

The Managing Director,
The Thanjavur Consumers Co-Operative,
Wholesale Stores T- 878,
Thanjavur, Thanjavur District.

...Petitioner

Vs

1.M.Gunasekaran

2.The Joint Commissioner of Labour,
Tiruchirappalli,Tiruchirappalli District.

3.The Assistant Commissioner of Labour
Tiruchirappalli,Tiruchirappalli District.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to quash the order passed in PGA.No.69 of 2016, dated 24.08.2016 on the file of the 2nd respondent filed against the order passed in PG.No.337 of 2016 dated 07.06.2016 by calling for the records from the 2nd respondent, consequently direct the 3rd respondent to refund the amount deposited by the petitioner establishment.



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For Petitioner : Mr.V.Chandrasekar
For Respondent : Mr.S.Vinodh,
Nos.2 and 3 Government Advocate

ORDER

The Thanjavur Consumers Co-Operative Wholesale Stores has filed this writ petition in the year 2018 as against the order passed by the authorities under the Payment of Gratuity Act.

2.The contesting first respondent has not been served with notice. Notice taken to the first respondent was returned with an endorsement as 'insufficient address'. The management has not taken any initiative to find out the address of the contesting first respondent and to proceed with the case. This writ petition filed in the year 2018 is lying without any progress, in view of the negligence on the part of the petitioner.

3.It is relevant to extract the order dated 05.02.2025, which reads as follows:

“Though this court permitted the petitioner to take out private notice to the first respondent, till date no



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private notice has been taken out to the first respondent.

2.Hence, issue fresh notice to the first respondent.

3.Learned counsel for the petitioner must provide proper address of the first respondent to the Registry and he is also permitted to take out private notice to the first respondent and file proof of service by the next hearing date.

4.List the matter on 05.03.2025.

5.It is made clear that if appropriate steps are taken by the petitioner, this Court will have no other option except to dismiss this writ petition for want of service.”

4.It is also relevant to extract the order dated 02.04.2025 which reads as under:

*“Notice sent to the first respondent is not served.
Hence, issue fresh notice to the first respondent.*

2.Learned counsel for the petitioner is directed to furnish the correct address of the first respondent to the Registry and pay batta within three working days from



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today.

3.Further the learned counsel for the petitioner is also permitted to take out private notice to the first respondent on his correct address and file proof of service by the next date of hearing.

4.List the matter on 02.06.2025.”

5.The petitioner is not in a position to find out the address of the contesting first respondent and this court has also provided sufficient opportunities to the petitioner to find out the correct address and to serve notice on the first respondent. The petitioner has not taken any steps to serve notice on the contesting first respondent. Therefore, keeping this writ petition of the year 2018 pending without any progress is of no use.

6.Accordingly, this writ petition is closed with liberty to the petitioner management to file a fresh writ petition, if the petitioner finds out the correct address of the first respondent. No costs. Consequently connected miscellaneous petition is closed.

03.11.2025



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- DSK
- To
- 1.The Joint Commissioner of Labour,
Tiruchirappalli,
Tiruchirappalli District.
 - 2.The Assistant Commissioner of Labour,
Tiruchirappalli,
Tiruchirappalli District.



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B.PUGALENDHI.J.,

DSK

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