



W.P.(MD)No.9895 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.9895 of 2018
and W.M.P.(MD)No.9085 of 2018

The Management,
Kaleeswara Mills 'B' Unit,
(A Unit of Textile Corporation Ltd., SRO-CBE)
Kalayarkoil – 630 551,
Sivagangai District.

... Petitioner

Vs.

1.The Deputy Director,
Industrial Safety and Health
Sivagangai (Incharge)
(Inspector of Factories)

2.M.Velusamy

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order of the 1st respondent in A/622/2017-1 dated 18.04.2018 under the Tamilnadu Industrial

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Establishment (Conferment of Permanent Status to the Workmen) Act, 1981 and quash the same.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.A.Baskaran,
Addl. Govt. Pleader for R1

Mr.S.M.Mohan Gandhi for R2

ORDER

The present Writ Petition has been filed aggrieved by the order dated 18.04.2018 passed by the first respondent under the provisions of the Tamilnadu Industrial Establishment (Conferment of Permanent Status to the Workmen) Act, 1981, mainly on the ground that the impugned order was passed in violation of principles of natural justice.

2. It is the specific contention of the learned counsel for the petitioner that on 21.02.2018 when the matter was fixed for enquiry, the person holding the



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office of respondent No.1 herein was transferred and therefore, no enquiry took place and thereafter, the petitioner was informed that the next date of hearing will be intimated. However, without any further notice to the petitioner, the impugned order came to be passed.

3. This Court having taken note of the specific contention raised by the learned counsel for the petitioner, called for the records pertaining to the impugned order and on perusal of the same, it is noticed that the petitioner was not afforded any opportunity after 21.02.2018 and however, the respondent No.2 herein was heard and impugned order came to be passed.

4. No doubt, the petitioner has already filed counter affidavit and other documents before the respondent No1. But the opportunity of hearing is also has an important role in the matter of enquiry of this nature. In the considered view of this Court the contention of the petitioner is sustainable and accordingly, the impugned order cannot be sustained for want of compliance with the principles of natural justice.



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5. Accordingly, the impugned order is quashed and the matter is remanded back to the respondent No.1 for disposal of the matter afresh after affording an opportunity to the petitioner as well as respondent No.2. Respondent No.1 further directed to dispose of the matter as expeditiously as possible at any rate within a period of two months from the date of receipt of a copy of this order. The petitioner as well as respondent No.2 are directed to appear before the respondent No.1 for enquiry on 27.03.2025 without any further notice from respondent No.1.

6. This Writ Petition is dismissed accordingly. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Neutral Citation: Yes / No
Index : Yes / No

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To

The Deputy Director,
Industrial Safety and Health
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(Inspector of Factories)



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