



W.P(MD)No.31389 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.31389 of 2024

and

W.M.P(MD)No.26294 of 2024

1.The Management,
Uniworld Logistics Private Limited,
Corporate Office,
No.225, 5th Main Road,
S.T.Bed Extension, 4th Block,
Koramangala, Bengaluru-560 034,
Karnataka State.

2.The Management,
Uniworld Logistics Private Limited,
5/100-M, 2nd Floor,
SRS Shopping Complex,
Tiruchendur Road,
Muthiahpuram,
Thoothukudi-628 005.

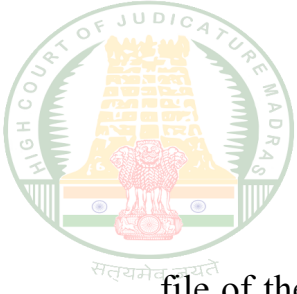
... Petitioners

Vs.

S.A.Thilak

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed in T.N.S.E.No.2 of 2021, dated 09.10.2024 on the



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file of the Joint Commissioner of Labour, Tirunelveli and to quash the same as illegal and pass any such further or other orders as this Court.

For Petitioners : Mr.D.Srinivasaragavan

For Respondent : M/s.M.Nandhini Priyadharshini

ORDER

The present writ petition has been filed challenging the order passed by the Joint Commissioner of Labour, Tirunelveli in T.N.S.E.No.2 of 2021, dated 09.10.2024.

2. The respondent herein, who was employed as a senior Executive Accountant in the petitioner Company was dismissed from service on 27.07.2020. He had challenged the same before the Joint Commissioner of Labour, Tirunelveli in T.N.S.E.No.2 of 2021 invoking Section 41(2) of the Tamil Nadu Shops and Establishments Act, 1947. The Appellate Authority after considering the records has arrived at a finding that, without issuing a charge memo or conducting an enquiry, the respondent herein has been dismissed from service. Based upon the said finding, the order of dismissal has



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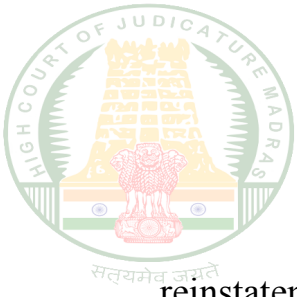
been set aside by the authority. Challenging the same, the present writ petition has been filed by the Management.

3. According to the learned Counsel appearing for the writ petitioner, in view of the mis-conduct on the part of the respondent employee, he was dismissed from service. In fact, he was involved in falsification of accounts and misappropriation of funds of the Management. In such circumstances, the Appellate Authority was not right in ordering the reinstatement after setting aside the order of dismissal.

4. Per contra, the learned Counsel appearing for the respondent submitted that without conducting any enquiry, the order of dismissal has been passed.

5. Heard both sides and perused the materials available on record.

6. A perusal of the records clearly point out that, the respondent herein has not been issued with a charge memo or any enquiry has been conducted before dismissing the respondent in the writ petition. In such circumstances, the Appellate Authority has rightly allowed the appeal and has directed



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reinstatement. In such circumstances, the writ petition stands dismissed with liberty to the petitioner Management to initiate domestic enquiry, if they are so advised.

7. With the above said observations, this writ petition stands dismissed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

08.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The Joint Commissioner of Labour,
Tirunelveli.



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R.VIJAYAKUMAR, J.

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