

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.04.2015

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM
and

The Honourable Mrs.Justice R.MALA

W.P.No.10566 of 2015
and M.P.No.1 of 2015

R.Bharathi

.. Petitioner

-vs-

1.Union of India, rep. By Secretary,
Ministry of Textiles, Government
of India, Parliamentary Secretariat,
New Delhi.

2.Home Secretary,
Government of India,
Ministry of Home Affairs,
Government of Union of India,
New Delhi.

3.Government of Union of Territory
of Puducherry, rep. By Chief Secretary,
Secretariat, Puducherry.

4. The District Collector
Government of Puducherry
Secretariat, Puducherry

4.M/s.Anglo French Textiles,
A unit of Pondicherry Textile Corporation,
Rep. By Managing Director, Cuddalore
Road, Mudaliarpur, Puducherry.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of writ of Mandamus to direct respondents 1 and
2 to grant necessary permission to 3rd and 4th respondents to sell
the 5th respondent's immovable properties at Pattanur,
Thengaithittu and Thirubuvanai and appropriate such process as are
necessary to satisfy the demand of Employees State Insurance dues,
provident fund dues, gratuity dues, etc., forthwith.

For Petitioner : Mr.V.Vasanthakumar Vengadessa

For Respondents : Mr.T.Murugesan
Senior Government Pleader
(Puducherry), assisted by
Mr.A.Tamilvanan, Govt. Advocate
for RR 3 and 4
Mr.Su. Srinivasan ASGI
For R1 & R2

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.V.Vasanthakumar Vengadessa, learned counsel for the petitioner and Mr.T.Murugesan, learned Senior Government Pleader (Puducherry), accepting notice on behalf of respondents 3 and 4.

2.This writ petition, designed as a Public Interest Litigation, has been filed for issuance of Writ of Mandamus to direct the Union of India to grant permission to respondents 3 and 4, the Union Territory of Puducherry and the District Collector, Government of Puducherry, to sell the fifth respondent's properties situated in various places to satisfy the demand of the Employees State Insurance dues, Provident Fund dues, Gratuity dues, etc.

3.The petitioner seeks for the aforementioned direction primarily for the purpose of settlement of dues to the workmen of the fifth respondent textile mill. It is seen that the workmen themselves have approached this Court by filing a writ petition in W.P.No.18277 of 2014, wherein a prayer was made to direct the District Collector, Puducherry, to initiate recovery proceedings for recovery of the gratuity amount together with interest by resorting to Revenue Recovery Proceedings. The said writ petition, after contest, was disposed of by order dated 16.09.2014. The operative portion of the said order reads as follows:

'5.The pathetic situation of the employees, who have been retired from service in 2011/2012 without even gratuity amount has to be taken note of. Now that the learned Government Pleader (Puducherry) has stated that the proceedings under the Revenue Recovery Proceedings has been initiated and it is likely to be completed, it is for the first respondent / Government to take necessary action in accordance with law. But the fact remains that the gratuity amount has to be paid to the

petitioners in time and therefore, this Court is inclined to fix only the time limit. Accordingly, this Court only fixes the time limit of four months from today, without waiting for the order copy, so that the Revenue Recovery Proceedings can be completed and whether they recover or not, the Government shall pay the amount, as the third respondent Anglo French Textiles itself has been taken over by the Government along with interest at the rate of 10% per annum from the date on which the amount became due till the amount is settled. It is also made clear that if the amount is able to be recovered early, the Government shall not wait for the outer time limit of four months and the gratuity amount shall be disbursed to the petitioners as expeditiously as possible.

6.The Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs."

4.Learned Senior Government Pleader (Puducherry) has submitted that pursuant to the order passed by this Court in the aforementioned writ petition, steps have been taken for recovery of money for settlement of dues. In the light of the orders passed by this Court, as mentioned above, and the stand taken by the Government of Puducherry, we are of the opinion that a Public Interest writ petition cannot be maintained at this juncture, since the workmen's dues are under process of being settled, pursuant to the order passed in the earlier writ petition. Hence, this being an issue between the employer and the employees, there is no public interest involved.

5.Accordingly, this writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2015 is also dismissed.

सत्यमेव जयते Sd/-

Asst.Registrar (CS IV)

/true copy/

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Sub Asst. Registrar

sra

To

1.The Secretary,
Union of India, Ministry of Textiles,
Parliamentary Secretariat, New Delhi.

2.Home Secretary,
Government of India,
Ministry of Home Affairs,
Government of Union of India,
New Delhi.

3.The Chief Secretary
Government of Union of Territory
of Puducherry, Secretariat, Puducherry.

4. The District Collector
Government of Puducherry
Secretariat, Puducherry

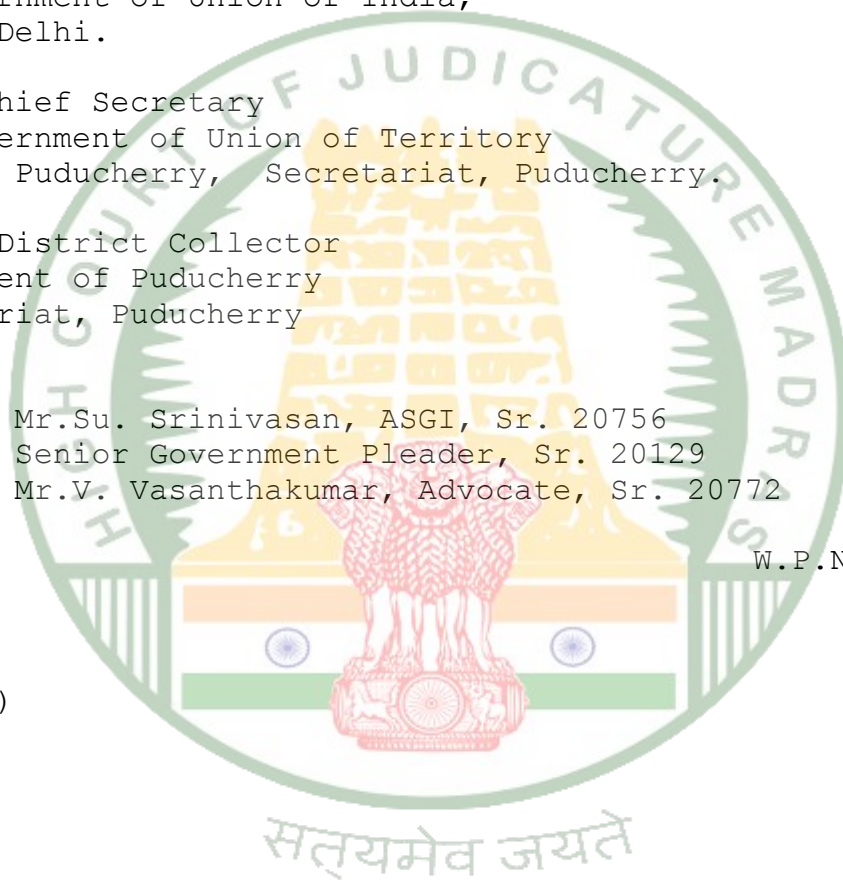
1 cc to Mr.Su. Srinivasan, ASGI, Sr. 20756

1 cc to Senior Government Pleader, Sr. 20129

1 cc to Mr.V. Vasanthakumar, Advocate, Sr. 20772

W.P.No.10566 of 2015

MSM (CO)
kk 24/4



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