

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.18581 of 2015

V.Mangalkumar

[PETITIONER]

Vs

1 The Assistant Commissioner of Labour
O/o.The Deputy Commissioner of Labour-I
Teynampet, Chennai-600 006.

2 The Managing Director
Triplicane Urban Co-operative Stores
No.156 Big Street, Triplicane
Chennai-600 005.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the second respondent to implement the order of the first respondent dated 20.1.2015 and thereby directing the second respondent to disburse the Subsistence Allowance due to the petitioner from 4.11.2009 to 3.1.2015 with interest within time frame.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr. E.M.S.Natarajan - R1
Govt. Advocate

Mrs.T.P.Savitha - R2
Govt. Advocate

ORDER

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.J.Muthukumaran, learned Counsel appearing for the petitioner, Mr. E.M.S.Natarajan, learned Government appearing for first respondent and , Mrs.Mrs.T.P.Savitha, learned Government Advocate appearing for the second respondent.

3.The petitioner seeks for issuance of writ of mandamus to direct the second respondent to implement the order of the first respondent, who has directed payment of Subsistence Allowance due to the petitioner from 4.11.2009 to 3.1.2015, in P.S.A.No.103 of 2013 dated 20.01.2015.

4.The amount quantified as subsistence allowance is to the tune of Rs.2,25,213/-. The Writ Petition was filed on 20.06.2015 and thereafter, the matter was listed before this Court on eight earlier occasions. The learned counsel for the petitioner would state that on all the earlier hearings, a submission was made on behalf of the second respondent that they have preferred an appeal as against the order dated 20.01.2015, passed by the first respondent. However, neither the appeal number nor any stay order was produced before this Court. Today, the learned counsel appearing for the second respondent produced a copy of the proceedings of the Managing Director of the second respondent dated 27.07.2015, stating that appeal has been preferred and the appeal is yet to be numbered. In fact, it is admitted that the second respondent has deposited a sum of Rs.2,25,213/- before the first respondent on 2.5.2015.

5.In the light of the above facts, the petitioner is permitted to withdraw 50% of the amount lying in deposit before the first respondent to the credit of P.S.A.No.103/2013, and the petitioner is permitted to withdraw the amount deposited within a period of three weeks from the date of receipt of a copy of this order. In the meantime, it is always open to the second respondent to get the appeal numbered and also seek for any appropriate interim order, if he is so advised.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpa

To

1 The Assistant Commissioner of Labour
O/o.The Deputy Commissioner of Labour-I
Teynampet Chennai-600 006.

2 The Managing Director
Triplicane Urban Co-operative Stores
No.156 Big Street, Triplicane
Chennai-600 005.

1 CC to Mr.J.Muthukumaran, Advocate SR.No. 59740

1 CC to the Government Pleader, SR.No. 60128

W.P. No.18581 of 2015

RV (CO)
PSI (17.11.2015)



WEB COPY