



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No.17769 of 2015

and

M.P. (MD) No.1 of 2015

K.Muthu Krishnan

.. Petitioner

-vs-

1.The Secretary to the Government
of Tamil Nadu
Department of Labour and Employment
Government of Tamilnadu
St.George Fort, Chennai

2.The District Collector
Madurai District, Madurai

3.The Express Publications
(Madurai) Ltd.,
(a Unit of Express Group of Publications)
rep. through its General Manager
1/2A, Samiyar Thoppu
Ramnad High Road, Viraganur
Madurai-625 009

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the first respondent to issue a recovery certificate against the third respondent for recovering the petitioner's arrears of wages and gratuity amount of Rs.14,88,392/- with interest in accordance with the direction of the Hon'ble Supreme Court Judgment reported in 2014 (3) SCC 327.

For Petitioner : Mr.K.K.Ramakrishnan

For Respondents : Mr.S.Sadeskumar
A.G.P., for R1 and R2

O R D E R

The prayer in the writ petition is for issuance of a writ of mandamus directing the first respondent to issue recovery certificate against the third respondent for recovering the petitioner's arrears of wages and gratuity amount of Rs.14,88,392/- with interest, as per the directions issued by Hon'ble Supreme Court in *ABP (P) Ltd. v. Union of India*, reported in (2014) 3 SCC 327.



2. Mr.S.Sadeskumar, learned Additional Government Pleader, takes notice for the respondents 1 and 2. With the consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

3. According to the petitioner, he was working as Assistant Machine Man in the third respondent Newspaper Establishment from 01.06.1982 till 14.01.2014 for about 32 years. His grievance is that after his retirement, sofar the second respondent has not settled the terminal benefits due to him in spite of repeated demands.

4. Section 17 (1) of the Working Journalists and Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955, envisages that a newspaper employee, who claims amount due to him from the employer, can make application to the State Government for recovery of the amount due to him and on receiving such application, in case the State Government or such other authority is satisfied that any amount is so due, it shall issue a certificate for that amount to the District Collector and the District Collector shall proceed to recover that amount in the same manner as an arrear of land revenue. In this context, he sent a representation to the respondents 1 and 3 for recovery of the amount due to him and since there was no response for the said representation, he has approached this Court by filing this writ petition.

5. Considering the facts and circumstances, without going into the merits of the matter, there will be a direction to the first respondent to consider the petitioner's representation after giving due notice to the third respondent and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

krk

To:

1.The Secretary to the Government

of Tamil Nadu

Department of Labour and Employment,
Government of Tamilnadu,
St.George Fort, Chennai.

2.The District Collector, Madurai District, Madurai.

+1CC to M/s.K.K.Ramakrishnan Advocate Sr.No.57800

+1CC to Spl.Government Pleader Sr.No.58658

GJM/KBM/27.10.15-2P-5C

W.P. (MD) No.17769 of 2015
and

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Dated 01.10.2015