

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S. SIVAGNANAM

W.P.No.11215 of 2015

The Management of
Jai Parameswara Transport,
556, Rajmahal Complex,
Bypass Road, Hosur 635 109
Krishnagiri District.

... Petitioner

Vs

1. The District Collector,
Krishnagiri District.
2. The Sub Collector,
Hosur, Krishnagiri District.
3. The Tahsildar,
Hosur, Krishnagiri District.
4. A.Venkataraman

.... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to call for the entire records relating to proceedings in 10636/2004/A4 dated 20.02.2015 on the file of the 3rd respondent herein, quash the same and further direct the 3rd respondent to give an opportunity of hearing to arrive at the correct amount payable to the 4th respondent after giving credit to the amount already paid by the petitioner.

For Petitioner : Mr. D. Shivakumaran

For Respondents : Mr. R.Rajeswaran,
Special Government Pleader
(R1 to R3)

Mr.N.Elayaraja for R4

ORDER

With the consent of both parties, this Writ Petition is taken up for final disposal.

2. Heard Mr.D.Shivakumaran, learned counsel appearing for petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing for respondents 1 to 3 and Mr.N.Elayaraja, learned counsel appearing for the 4th respondent.

3. The petitioner is the Management of Jai Parameswara Transport and the challenge is to the proceedings issued by the 3rd respondent dated 20.2.2015, by which, the 3rd respondent has initiated revenue recovery proceedings to recover a sum of Rs.6,13,595-55/-. It is not in dispute that the 4th respondent was entitled to payment of money as he had filed computation petitions before the Labour Court and orders have been passed in C.P.No.507 of 1995, C.P.No.308 of 1998 and C.P.No.486 of 2002 and C.P.No.213 of 2004. The 4th respondent has calculated the amount computed by the Labour Court, the interest awarded by the Labour Court which was awarded only in two cases namely C.P.No.486 of 2002 and C.P.No.213 of 2004 at the rate of 9% and 6% respectively.

4. In respect of other two orders, the Labour Court did not award any interest. The interest has been calculated and the deposit amount made by the petitioner to the credit of the proceedings before the 3rd respondent on 22.5.2001 being a sum of Rs.25,000/- and a sum of Rs.48,910/- deposited in I.D.No.387 of 1992 have been reckoned and given credit and the said amounts are all lying in deposit. Thus in total, the 4th respondent claimed Rs.6,55,568-60.

5. The legal proceedings commenced by the Management challenging the orders / award of the Labour Court was from the year 2000 and for 14 long years, the litigation was prolonged by the Management and ultimately came to an end after the Special Leave Petition was dismissed by the Supreme Court on 17.10.2014.

6. In the interregnum, on account of non compliance of the order of reinstatement with benefits, the workmen had filed four computation petitions before the Labour Court to compute the wages payable for different spells. This litigation was pallelly proceeding along with litigation commenced by the petitioner Management in the year 2000. Inspite of having battled for about 14 years, the Management is still not in a mood of settling the dues.

7. The Honourable Apex Court has not interfered with any of the orders passed by this Court which has confirmed orders passed by the Labour Court, hence the plea raised in the present Writ Petition is absolutely frivolous. The representation sent by the petitioner in response to the impugned notification is wholly untenable and the question of providing an opportunity to the petitioner to dispute the correctness of the quantum mentioned in the impugned proceedings is a far fetched plea.

8. From the calculation memo filed by the 4th respondent dated 20.7.2015, the 4th respondent states that after giving credit to all the amounts which had been deposited, the amount payable to the 4th respondent is Rs.3,81,658-60.

9. In the light of the above, this Court is not inclined to interfere with the impugned proceedings and the petitioner, having failed to succeed in the Writ Petition filed by them in W.P.No.23370 of 2010, is bound by the direction contained therein, wherein there was a mandamus issued to the District Collector, Krishnagiri District and Tahsildar, Hosur, Krishnagiri District to recover the amount awarded to the 3rd respondent therein, who is the 4th respondent herein.

10. For all the above reasons, the petitioner has failed to make out any case to interfere with the impugned proceedings. Accordingly, the Writ Petition fails and dismissed. The 3rd respondent viz., Tahsildar is directed to recover the balance amount from the petitioner and pay the same to the 4th respondent within a period of two weeks from the date of receipt of a copy of this order.

11. In fine, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

msr

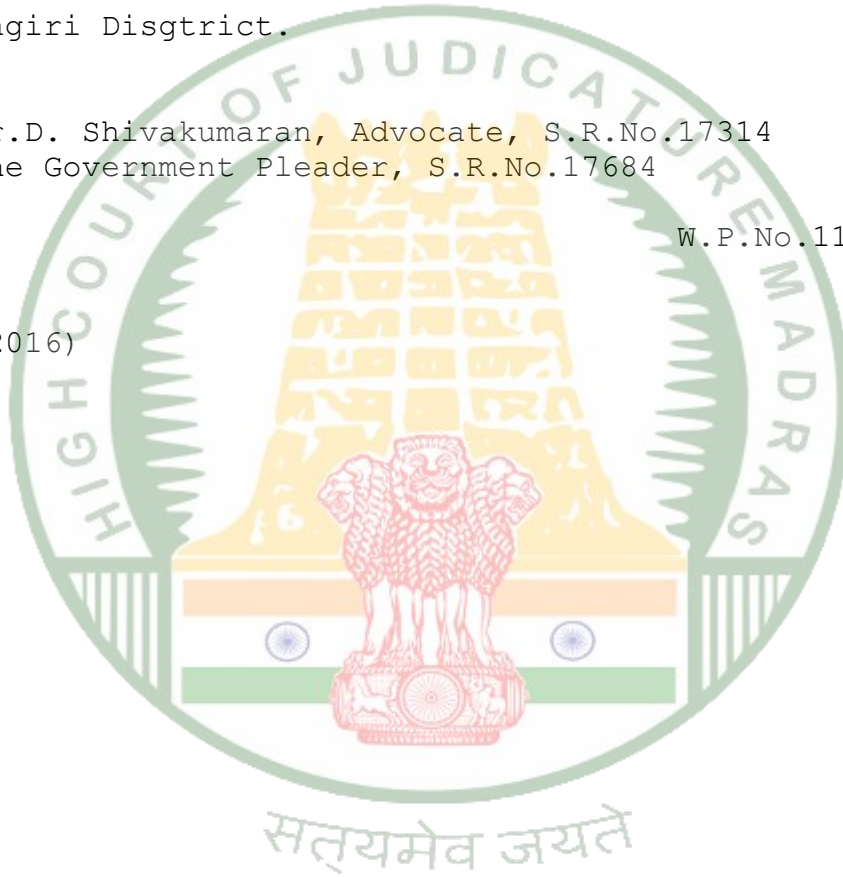
To

1. The District Collector,
Krishnagiri District.
2. The Sub Collector,
Hosur,
Krishnagiri District.
3. The Tahsildar,
Hosur,
Krishnagiri District.

+1cc to Mr.D. Shivakumaran, Advocate, S.R.No.17314
+1cc to the Government Pleader, S.R.No.17684

W.P.No.11215 of 2015

CTK(CO)
CA(05/04/2016)



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