

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.Nos.322 to 324 of 2016
and
C.M.P.Nos.4973 to 4977 of 2016

- 1.The Chief Secretary,
Government of Pondicherry,
Pondicherry.
 - 2.The Secretary (Co-operation),
Government of Pondicherry,
Pondicherry.
 - 3.The Registrar of Co-operative Societies,
Government of Pondicherry,
Pondicherry. ... Appellants 1 to 3 in
all writ appeals
 - 4.The Liquidator,
Pondicherry Public Servants Co-op. Stores Ltd.,
No.P.456 (Vanavil),
Pondicherry. ... Appellant No.4 in
W.A.Nos.322 and 323
of 2016
- The Liquidator,
Ariyankuppam Public Servant Co-op Stores
No.P.455 (Vanavil),
Pondicherry. ... Appellant No.4 in
W.A.No.324 of 2016

Vs.

J.Kanchana

... Respondent in
W.A.No.322 of 2016

- 1.K.Ravichandran
- 2.R.Sambangi
- 3.D.Rajendiran
- 4.D.Kaveri
- 5.P.Purushothaman

6.A.N.Thirugnanasambandan
7.R.Rahitha
8.J.Mohan Rao
9.P.Kumarasamy
10.M.Ragouraman
11.B.Senthamaraikannan
12.B.Saradhamani
13.J.Ameerdeen
14.V.Thanigasalam
15.M.Panneerselvam
16.K.Vasanthi
17.M.Thilagar
18.V.Jeeva
19.C.Manivannan
20.A.Abdul Kalam Azad
21.N.Srinivasan
22.A.Subrayan
23.R.Susainathan
24.S.Natarajan
25.D.Santhi
26.G.Baskaran
27.R.Kumaran
28.P.Balamurugan

... Respondents in
W.A.No.323 of 2016

1.R.Prabhakaran
2.A.Sammanasunathan

... Respondents in
W.A.No.324 of 2016

These writ appeals are preferred under Clause 15 of the Letters Patent challenging the common order dated 20.07.2015 in M.P.No.1/2015 in W.P.No.13241 of 2015, M.P.No.1 of 2015 in W.P.No.12505 of 2015 and M.P.No.1 of 2015 in W.P.No.12506 of 2015.

i) Petition to pass an order of interim direction directing the respondents to disburse the amounts standing to the Credit of the Writ Petitioners husband in his EPF accounts as on 31.10.2010, viz., rs.4,41,295/- along with Subsequent- interest- M.P.No.1/15 in W.P.No.13241 of 2015.

ii) to grant interim direction, directing the respondents to disburse the amounts standing to the Credit of each Writ- Petitioners in their respective EPF accounts as on 31.10.2010 along with subsequent- interest- M.P.No.1/15 in W.P. No.12505 of 2015.

iii)to direct the respondents to disburse the amounts standing to the credit of each Writ Petitioners in their respective EPF accounts as on 31.10.2010 alongwith subsequent-interest M.P.No.1 of 2015 in W.P.12506 of 2015.

Writ Petitions filed U/A 226 of the Constitution of India, to issue Writ of Mandamus directing the respondents to pay the Writ Petitioners husband/Writ Petitioners unpaid salary from August 2011, gratuity, Earned leave, Encashment, EPF contribution (both employer and employee) Bonus, ESI benefits and all other admissible entitlements along with interest at 12 % per annum.

For appellants Mr.A.Tamilvanan, GA (Puducherry)

COMMON JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The Government of Puducherry has come up with the instant appeals, questioning the legality of the order dated 20th July, 2015 passed by the learned Single Judge in M.P.No.1/2015 in W.P.No.13241 of 2015, M.P.No.1 of 2015 in W.P.No.12505 of 2015 and M.P.No.1 of 2015 in W.P.No.12506 of 2015.

2 The respondent in W.A.No.322 of 2016 preferred a writ petition, being W.P.No.13241 of 2015, seeking for payment of her husband's unpaid salary from August, 2011 till winding up of the said store, gratuity, earned leave encashment, EPF contribution (both employer and employee), bonus, ESI benefits and all other admissible entitlement along with interest at 12% per annum. The husband of the respondent herein was an employee in Pondicherry Public Servants Co-op. Stores Ltd., No.P.456.

3 Similarly, the employees of the Cooperative store Nos.P.456 and P.455 /respondents in W.A.Nos.323 and 324 of 2016 have filed writ petitions, being W.P.Nos.12505 and 12506 of 2015, seeking similar relief for payment of unpaid salary from August, 2011, gratuity, EPF contribution, etc. The said stores were wound up and a Liquidator / 4th appellant was appointed.

4 The learned Single Judge, while issuing notice, granted an interim direction, dated 20th July, 2015, as under :

"4.The respondents 3 and 4 cannot withhold the EPF contribution made by the Workmen after the closure of the establishment. The amounts as

claimed in the petitions are based on the inspection report under Section 76 of the Tamil Nadu Co-operative Societies Act which is enclosed at page No.157 of the typed set papers.

5. Since EPF contributions were deducted from the salary of the Workmen during their service, the same shall be repaid on the closure of the establishment. Hence, a direction, as prayed for, is issued directing the respondents 3 and 4 to settle the EPF amount to the petitioners as claimed therein, within a period of four weeks from the date of receipt of a copy of this order."

5 The instant appeals are filed, questioning the direction to pay EPF deducted from the salary of the employees. The learned Single Judge, finding prima facie case that the EPF contributions were made by the employees, held that the writ petitioners are entitled to EPF amount and accordingly, directed to settle the EPF amount within a period of four weeks.

6 We do not find any error in the order rendered by the learned Single Judge, as the employees are entitled to EPF contributions made by them, which have been directed to be paid forthwith. On the other issues, the matter is still under consideration in the pending writ petitions. We do not find any infirmity in the order of the learned Single Judge, which is unexceptionable.

7 Resultantly, the writ appeals are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary,
Government of Pondicherry,
Pondicherry.

2. The Secretary (Co-operation),
Government of Pondicherry,
Pondicherry.

3.The Registrar of Co-operative Societies,
Government of Pondicherry,
Pondicherry.

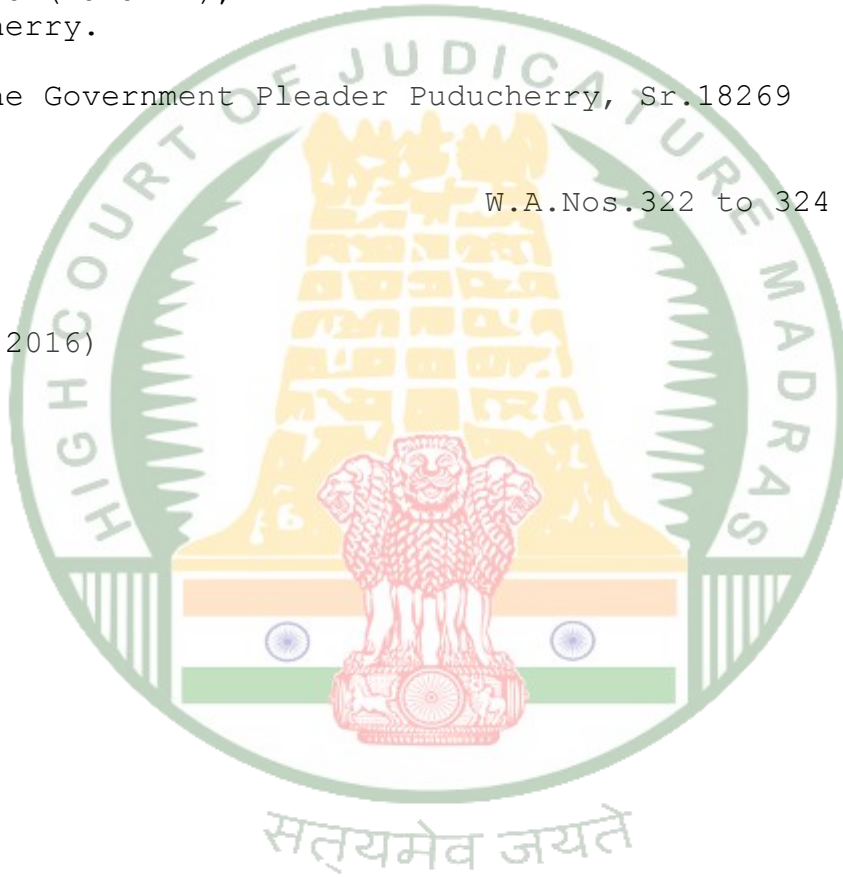
4.The Liquidator,
Pondicherry Public Servants Co-op. Stores Ltd.,
No.P.456 (Vanavil),
Pondicherry.

5.The Liquidator,
Ariyankuppam Public Servant Co-op Stores
No.P.455 (Vanavil),
Pondicherry.

+1cc to the Government Pleader Puducherry, Sr.18269

W.A.Nos.322 to 324 of 2016

scd(CO)
srg(15.04.2016)



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