IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.2885 of 2013

Tamil Nadu Industrial Explosives Employees
Co-Op.,Thrift and Credit Society, V.G.113,
Rep. by its Special Officer,
Christianpet, TEL Post,
Vellore-632 059. .. Petitioner

Versus

1.Tamil Nadu Industrial Explosives Limited,
Rep. By its Managing Director,
No.735, LLA Building, I Floor,
Anna Salai,
Chennai-600 002.

2.The General Manager,
Tamil Nadu Industrial Explosives Limited,
Christianpet, TEL Post,
Vellore-632 059. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to remit the amounts recovered from July 2011 onwards from out of the salaries of the employees of the respondent Undertaking, who are the members/borrowers of the petitioner society, alongwith interest for the belated remittance and direct the respondents to continue to make recoveries and remit the same periodically till the loans are fully discharged by the members as per the provisions of the Tamil Nadu Co-Operative Societies Act, award costs.

For Petitioner : Mr.C.K.Chandrasekkar

For Respondents : Mr.M.N.Abdul Wahab for
M/s.K.V.Subramanian Associates

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ORDER

Heard Mr.C.K.Chandrasekkar, learned counsel appearing for the petitioner and Mr.M.N.Abdul Wahab, learned counsel who accepts notice on behalf of the respondents and with their consent, the writ petition is taken up for final disposal.

2. The petitioner is a Co-Operative Society consisting of members who are employees in the first respondent Company. The first respondent Company is a Government Company engaged in the manufacture of Explosives.

3. The grievance of the petitioner Society is that the first respondent Company has deducted various amounts from the salaries of the employees but has failed to credit the same to the account of the petitioner Society as against dues. The resultant position being the employees were under the belief that they have cleared the dues. The Society has granted a sum of Rs.2.65 crores as loan re-payable to the employees of the respondent Company, who are the members of the Society. In this regard, the petitioner gave a representation to the respondents to remit the various amounts which are said to have been deducted from the salaries of the employees. Since there was no reply given to the petitioner's representation, the petitioner is before this Court by way of filing this writ petition.

4. Though no counter affidavit is filed, this Court is not inclined to adjourn the matter further. The respondent being a Government Company, if the stand taken by the petitioner Society is true, then it has to be deprecated. The respondent Company should be a model employer and if the dues have been deducted from the workmen/employees, the same has to be remitted the Society up to date. If the facts stated by the petitioner are correct, the respondent Company has no authority to hold those amounts which have been recovered from the employees.

5. Therefore, the writ petition is disposed of by directing the first respondent to take action on the petitioner's representation dated 07.03.2012 and if the facts, as stated, are correct, the amounts shall be remitted towards the dues payable to the Society within a period of three months from the date of receipt of a copy of this order. If the first respondent fails to comply with the direction within the time stipulated, it is open to the petitioner Society to move for winding up of the first respondent Company. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Industrial Explosives Limited,
No.735, LLA Building, I Floor,
Anna Salai,
Chennai-600 002.

2.The General Manager,
Tamil Nadu Industrial Explosives Limited,
Christianpet, TEL Post,
Vellore-632 059.

+1cc to Mr.K.V. Subramanian, Advocate, S.R.No.5510
+1cc to Mr.C.K. Chandrasekkar, Advocate, S.R.No.5301
+1cc to the Government Pleader, S.R.No.

PUR(CO)
EU(04/02/2016)

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