

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM:

THE HON 'BLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No.33496 of 2016

and W.M.P.No.28909 of 2016

R.Senthilkumar

... Petitioner

Versus

1. Union of India, Represented by the
Secretary to the Government,
Ministry of Corporate Affairs,
New Delhi - 110 001
2. The Regional Director, Southern Region,
Ministry of Corporate Affairs,
2nd Floor, R.Wing, Shastri Bhavan,
26 Haddows Road, Chennai 600 006
3. The Registrar of Companies,
Ministry of Corporate Affairs,
2nd Floor, R.Wing, Shastri Bhavan,
26 Haddows Road, Chennai 600 006
4. M/s. Zylog Systems Ltd.,
Represented by its Managing Director,
No.155 Thiruvalluvar Street, Kumaran Nagar,
Sholinganallur, Chennai - 600 119
5. Sudharshan Venkatraman, Former Director,
M/s. Zylog Systems Ltd.,
15 Arbor Circle Edison, New Jersey 08837,
United States of America
6. Ramanujan Sesharatnam,
Former Director, M/s. Zylog Systems Ltd.,
2110, Paul Edwin Terrace Apt,
104 Falls Church, VA 220432430
United States of America
7. S.P.Srihari, Director, M/s. Zylog Systems Ltd.,
New No.54 Gokulam, 3rd Floor,
7th Avenue, Ashok Nagar, Chennai - 600 083
8. P.Srikanth, Director, M/s. Zylog Systems Ltd.,
New No.39 Rajamannar Street,
T.Nagar, Chennai - 600 017

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action on the complaint of the petitioners dated 22.03.2016 against the fourth respondent in accordance with law within a time frame fixed by this Court.

For Petitioner : Mr. M.Ramamoorthy

O R D E R

Heard Mr.M.Ramamoorthy, learned counsel for the petitioner.

2. The petitioner is an ex-employee of the fourth respondent / Company and he has filed this writ petition, directing respondents 1 to 3 to take appropriate action on the petitioner's representation, dated 22.03.2016.

3. The petitioner's case is that, like him, there are several employees, who have been retrenched illegally and their wages have not been paid, since November 2012. Apart from that, certain other allegations have been made against the fourth respondent / Company. It is also stated that the creditor, namely, M/s.IFIN Securities Finance Limited had filed a petition for winding-up of the company, in C.P.No.372 of 2013 and the same has been closed.

4. The learned counsel for the petitioner would submit that the employees like the petitioner raised a dispute before the Deputy Commissioner of Labour and an agreement was entered into with the Management and the dispute was closed by recording the agreement and the fourth respondent / Company has defaulted in complying with the terms of the agreement / settlement, which was arrived at before the Deputy Commissioner of Labour.

5. With the above said facts and some other allegations against the persons, who were involved in various other scams, the petitioner seeks for a direction against respondents 1 to 3 to take action on his complaint. The complaint / representation is very vaguely couched and it is not restricted to the relief sought for by the ex-employee. Further more, if the petitioner's claim is only for wages, then the petitioner's remedy is not before the respondents 1 to 3, but before the appropriate forum under the Industrial Disputes Act.

6. The petitioner, in fact, rightly invoked the powers of the Deputy Commissioner of Labour. Therefore, if there is violation of settlement arrived at, the petitioner can always go before the appropriate forum under the Industrial Disputes Act or any other like Labour Enactment(s). Therefore, the present writ petition is mis-conceded. Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected WMP is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

srk

To

1. The Secretary to the Government,
Union of India, Ministry of Corporate Affairs,
New Delhi - 110 001
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3. The Registrar of Companies,
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+1 CC to M. Ramamoorthi, Advocate Sr.NO.54357 (01.11.2016)

W.P.No.33496 of 2016
& WMP No.28909 of 2016

CTK (CO)
MD : 18/10/2016

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