



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.4001 of 2011

and

MP (MD)No.1 of 2011

T.Paramasivam

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Madurai.

2. The Special Officer,
Madurai District Pandian Consumer
Co-operative Society,
No.162, East Veli Street,
Madurai - 1.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to initiate revenue recovery proceedings under Section 33 C(1) of the Industrial Disputes Act.

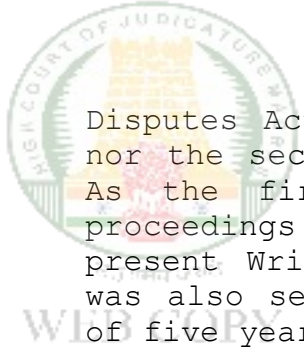
For Petitioner : M/s.D.Geetha
For R - 1 : Mr.R.Anandaraj
Government Advocate
For R - 2 : Mr.R.Saravanan

ORDER

The petitioner seeks for a Writ of Mandamus, directing the first respondent to initiate revenue recovery proceedings under Section 33 C(1) of the Industrial Disputes Act.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent.

3. The Writ Petitioner was working as an Assistant Salesman in the second respondent for 15 years and he was suspended by the second respondent in the year 1989 and subsequently dismissed from service in the year 1990. The said orders were challenged by raising an Industrial Dispute in I.D.No.427 of 1991, which ended in favour of the petitioner in the year 1996. Against the award of the Labour Court, W.P(MD)No.5859 of 1997, was filed by the second respondent-Management, which was also dismissed on 13.10.2003. Thereafter, the Writ Petitioner filed a Claim Petition in C.P.No.32 of 2004 under Section 33-C(2) of the Industrial



Disputes Act, 1947. In the Claim Petition, neither the first respondent nor the second respondent had filed any reply and the same was allowed. As the first respondent has not taken any steps to initiate the proceedings under Revenue Recovery Act to recover the award amount, the present Writ Petition has been filed. In this regard, a representation was also sent on 17.02.2011 to the first respondent. Even after passage of five years, no order has been passed on the same.

4. In the light of the above facts, the first respondent is directed to dispose of the representation of the petitioner dated 17.02.2011 and take action under the Revenue Recovery Act pursuant to the order passed in I.D.No.427 of 1991 and C.P.No.32 of 2014. The petitioner is directed to furnish the relevant papers including a copy of the representation dated 17.02.2011 along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first respondent is directed to pass orders on the same within a period of six weeks.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Madurai.
2. The Special Officer,
Madurai District Pandian Consumer
Co-operative Society,
No.162, East Veli Street,
Madurai - 1.

+ 1 CC TO MR.R.SARAVANAN, ADVOCATE IN SR NO. 16784

PS

TE/GSV-PM/ : 01/04/2016 : 2P/4C

W.P (MD) No.4001 of 2011
and
MP (MD) No.1 of 2011
24.03.2016