

IN THE HIGH COURT OF JUDICATURE AT MADRAS

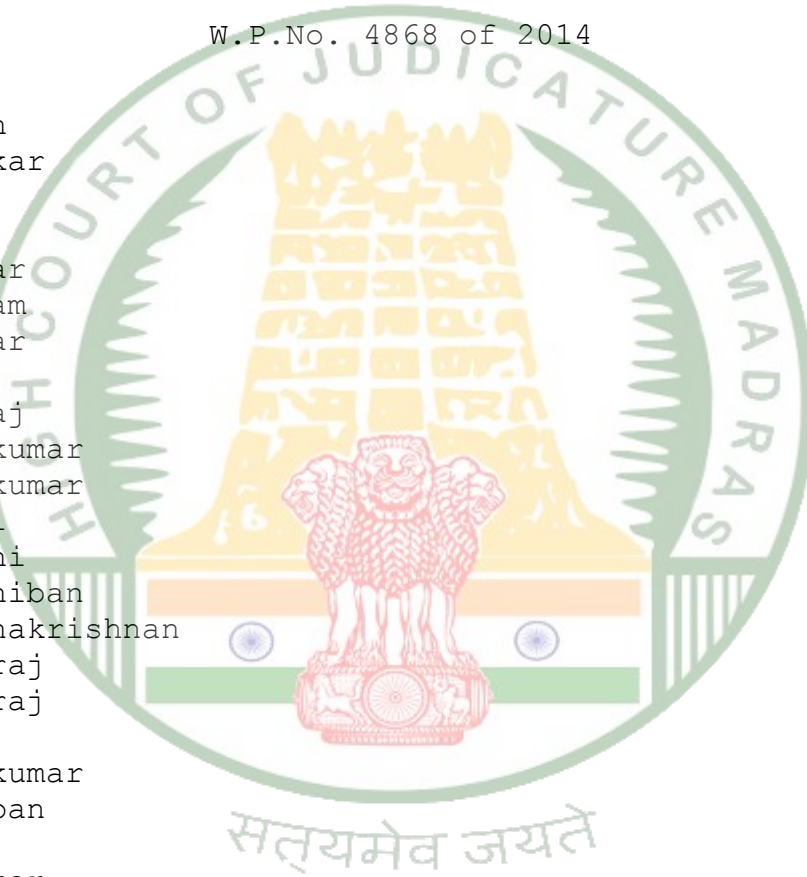
DATED : 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

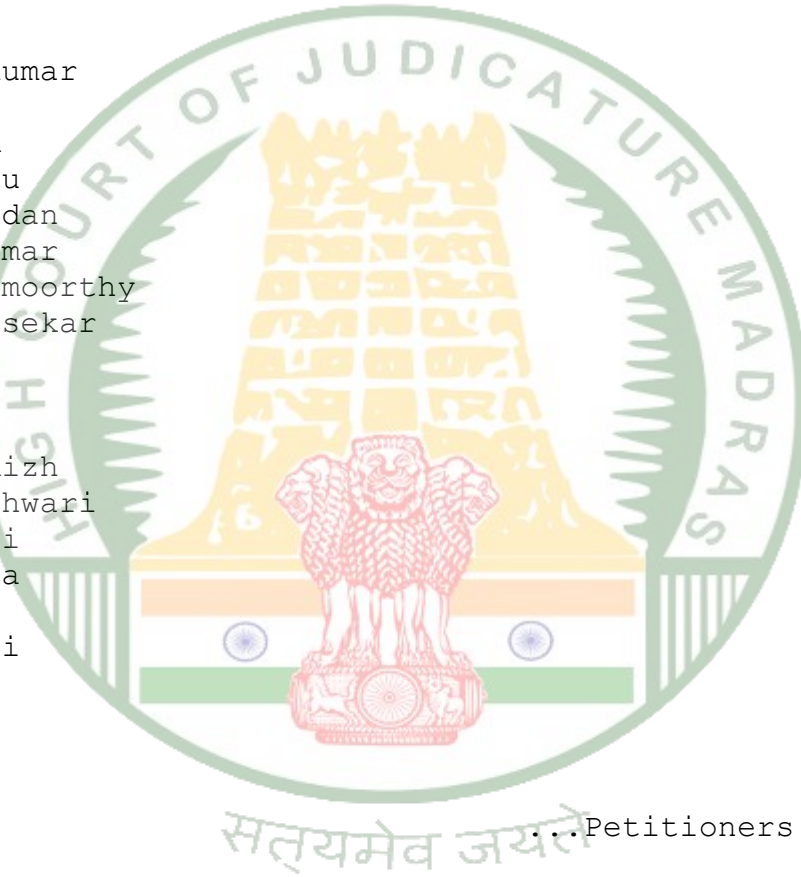
W.P.No. 4868 of 2014

- 1.S.P.Ramesh
- 2.P.Gnanasekar
- 3.S.Suresh
- 4.G.Selvam
- 5.A.Sivakumar
- 6.A.Ekambaram
- 7.M.Arulkumar
- 8.J.Mohan
- 9.S.Madhanraj
- 10.K.Nandhakumar
- 11.R.Vijayakumar
- 12.M.Senthil
- 13.K.Umapathi
- 14.V.A.Parthiban
- 15.G.Santhanakrishnan
- 16.M.Thangaraj
- 17.N.Thangaraj
- 18.K.Ramraj
- 19.S.Vijayakumar
- 20.K.Parthiban
- 21.K.Babu
- 22.T.Arunkumar
- 23.M.Rajeshkumar
- 24.P.Ajeethprasth
- 25.M.Gnanadeepan
- 26.S.Kanniyappan
- 27.J.Swamynathan
- 28.J.Dineshkumar
- 29.S.Surendramohan
- 30.A.Jothiboss
- 31.P.Mariyappan
- 32.A.Thanigaivel
- 33.A.John Robert Raj



WEB COPY

34.R.Nithyanandham
35.A.Habeeb
36.G.Jagan
37.R.Murugan
38.B.Sathishkumar
39.S.Ramesh
40.K.Mohan babu
41.S.Masthan
42.S.Kumar
43.R.Parathiban
44.M.Parthiban
45.K.Baskar
46.S.Mohan
47.S.Silithkumar
48.K.Siva
49.G.Gowtham
50.K.Griibabu
51.A.Manigandan
52.C.Selvakumar
53.R.Krishnamoorthy
54.K.Chandrasekar
55.A.Jayapal
56.D.Raja
57.P.Aruna
58.P.Senthamizh
59.S.Parameshwari
60.B.Jayanthi
61.A.Jeevitha
62.J.Savitha
63.E.Yuvarani
64.S.Sumathi
65.K.Suganya
66.J.Umadevi
67.M.Anitha
68.P.Archana



...Petitioners

Vs.

WEB COPY

1. The Assistant Commissioner of Labour,
The Authority under the payment of
Subsistence Allowance Act,
Office of the Deputy Commissioner
of Labour - II,
Teynampet, Chennai - 600 006.

2.The Management of Woosu Automotive
India Private Limited,
Rep by its Plant Manager,
No.140, Narasinghapuram Village,
Perambakkam, Thiruvallur District. ...Respondents

Prayer: This writ petition filed under Article 226 of the Constitution of India, to issue orders, directions or writs in particular a writ of Mandamus directing the 1st respondent to entertain the applications filed by the petitioners covered by the proceedings of the 1st respondent dated 17.09.2013 bearing Ref.No.Aa/thi/mu/No.D1/6052/13 with a direction to dispose of the same.

For Petitioner : Mr.K.Sudalaikannu

For Respondents : Mr.S.Diwakar
Special Government Pleader (For R1)
Mr.R.Prabhakaran (For R2)

ORDER

Heard Mr.K.Sudalaikannu, learned counsel appearing for the petitioners, Mr.S.Diwakar, learned Special Government Pleader appearing for the first respondent and Mr.R.Prabhakaran, learned counsel appearing for the second respondent.

2.The petitioners made an application to the first respondent seeking certain demands including subsistence allowance. From the record, it appears that the petitioners have been suspended, pending inquiry. The main grievance of the petitioners appears to be the non-payment of subsistence allowance. The application was returned on two grounds by the first respondent. The first is non-production of the copies of the suspension orders and the second is lack of clear specification of the number of days delay.

3.As rightly submitted by the learned counsel appearing for the petitioners, the same cannot be a ground for return. The grievance of the petitioners is non-payment of the subsistence allowance. Thus, the first respondent ought to have entertained the application and decided it on merits leaving all the other issues open. The factum of suspension orders passed is also not in dispute.

4.A mere factum of non-specifying of number of days delay per se cannot be a ground for return of the application. Even the second reason assigned also cannot be sustained. After all, what the petitioners want is a conciliation to be undertaken by the first respondent after due notice to the second respondent. The first respondent has adopted a hyper technical approach contrary to the object, rationale enshrined in the social welfare legislation.

5.In such view of the matter, the order impugned is set aside and the petitioners are directed to present the application to the first respondent within a period of four weeks from the date of receipt of a copy of this order. As and when the same is presented, the first respondent shall take it on file and decide it on merits.

6.In the result, the writ petition is allowed. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Assistant Commissioner of Labour,
The Authority under the payment of
Subsistence Allowance Act,
Office of the Deputy Commissioner
of Labour - II,
Teynampet, Chennai - 600 006.

2.The Management of Woosu Automotive
India Private Limited,
Rep by its Plant Manager,
No.140, Narasinghapuram Village,
Perambakkam, Thiruvallur District.

+1cc to Mr.R.Prabhakaran, Advocate SR.No.19789
+1cc to M/s.K.Sudalaikannu, Advocate SR.No.19702
+1cc to Government Pleader SR.No.20466

W.P.No.4868 of 2014

SDR 19.04.2017