

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.19200 of 2017

K.Velavan

...Petitioner

Versus

1. The Managing Director,
Garuda Polyflex Foods Private Ltd.,
Plot No.11 Jigani Link Road, Bommasandra,
Anekal Taluk, Bangalore-560 105.
2. The Manager,
Garuda Ployflex Foods Private Ltd.,
21/22 Arignar Anna Industrial Estate,
Vanagaram, Mettukuppam
Near Porur Garden,
Chennai-600 095.
3. The Chief Commissioner of Labour,
No.26, IIIrd Block, 5th Floor,
Shastri Bhawan, Haddows Road,
Nungambakkam,
Chennai-600 006.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 3rd respondents to instruct the 1st respondent to consider the representation made by the petitioner on 27.03.2017 and 10.07.2017, to release his arrears of salary, expense reimbursement, leave encashment, and any other pending dues to him.

For Petitioner : Mr.K.Krishna

ORDER

The relief sought for in this writ petition is for a direction to direct the 3rd respondent to instruct the 1st respondent to consider the representation made by the petitioner on 27.03.2017 and 10.07.2017 to release his arrears of salary, expense reimbursement, Leave Encashment, and any other pending dues.

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner is employed as Area Sales Executive in Garuda Polyflex Foods Private Limited, which is a Private Company registered under the Companies Act. Admittedly, the writ petitioner has not taken any proper legal action contemplated under law. Instead the writ petitioner sent a representation to the Chief Commissioner of labour and filed this writ petition to direct the second respondent/private company to consider the claim of the writ petitioner. The course adopted by the writ petitioner to consider his claim is absolutely misconceived and the writ petitioner has to initiate appropriate legal action in order to redress his grievances in the manner known to law. The writ petition cannot be entertained and it is not maintainable in view of the fact that the relief sought for seems to be against the third respondent/Commissioner of Labour. Ultimately the grievances are to be redressed by the second respondent/private company and thus the writ petitioner has to follow the procedure in this regard prescribed by law. In this view of the matter, no such direction can be given to the 3rd respondent to instruct the 2nd respondent to redress the grievances of the writ petitioner. Further this Court cannot be used as a special purpose vehicle to carry certain recommendatory direction in favour of writ petitioner and such an exercise cannot be undertaken in writ jurisdiction.

3. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sk

To

1. The Chief Commissioner of Labour,
No.26, IIIrd Block, 5th Floor,
Shastri Bhawan, Haddows Road,
Nungambakkam,
Chennai-600 006.

+1cc to M/s.K.Krishna, Advocate, S.R.No.53890

WP.No.19200 of 2017

SAI (CO)
CU (28/08/2017)



WEB COPY