

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.3.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

Writ Appeal No.1373 of 2016

R.Senthil Kumar

.. Appellant

Vs.

1. Union of India
rep. 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.
rep. by its Director
155, Thiruvalluvar Street
Kumaran Nagar
Sholinganallur
Chennai 600 119.
5. Sudharshan Venkatraman
former Director M/s.Zylog Systems Ltd.
6. Ramanujan Sesharatnam
Former Director
M/s.Zylog Systems Ltd.

7. S.P.Srihari
Director, M/s.Zylog Systems Ltd.

8. P.Srikanth .. Respondents
Director, M/s.Zylog Systems Ltd.

Appeal under Clause 15 of Letters Patent filed against the order of the learned single Judge dated 23.9.2016 made in W.P.No.33496 of 2016.

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 Appellant : Mr.M.Ramamoorthi

J U D G M E N T

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order of the learned single Judge dated 23.9.2016 made in W.P.No.33496 of 2016.

2. Heard the learned counsel appearing for the appellant.

3. The appellant, who was employed in the fourth respondent company, had been retrenched and had not been paid wages, along with similarly placed other employees raised a dispute before the Deputy Commissioner of Labour. The said dispute was closed on account of an agreement entered into by the employees with the fourth respondent. However, it appears that the fourth respondent had not complied with the terms of the agreement. Therefore, the appellant made a representations to the respondents 1 to 3 and thereafter filed the writ petition and the same was dismissed on the ground that the writ petition was misconceded.

4. It is not in dispute that the appellant and other employees entered into an agreement with the fourth respondent before the Deputy Commissioner of Labour. If the fourth respondent had not complied with the terms of such agreement, it is always open to the appellant to move the concerned forum for appropriate remedy. Further, in the representations of the appellant dated 22.3.2016 and 19.8.2016 made to the respondents 1 to 3, the appellant had not only averred that he and other

retrenched employees have not been paid wages, but also made certain other allegations about the fourth respondent company, which this Court cannot go into under Article 226 of the Constitution of India. Therefore, the learned single Judge had rightly dismissed the writ petition.

5. In view of the above, the writ appeal is dismissed. There shall be no order as to costs.

s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

kpl

To

1. The Secretary to the Government
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+1cc to Mr.M.Ramamoorthi, Advocate SR.No.14814

SSI (CO)
GN(06/04/2017)

W.A.No.1373 of 2016.

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