

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.6127 and 6128 of 2018

R.Senthilraj

... Petitioner in W.P.No.6127/2018

R.Ravi

... Petitioner in W.P.No.6128/2018

Vs

1.The Commissioner of Labour Welfare,
D.M.S. Compound, Teynampet, Chennai-6.

2. The Regional Provident Commissioner,
Tamil Nadu and Pondicherry,
Employees Provident Fund Organisation,
Royapettah High Road, Chennai-14.

3. The Regional Director,
Employees State Insurance Corporation,
Sterling Road, Nungambakkam, Chennai-34.

4. The General Manager,
I.O.C. Indian Oil Bhavan,
Nungambakkam, Chennai-34. Respondents in both W.Ps.

Prayer: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioners representations dated 11.9.2017 within a time stipulated by this Court.

For Petitioners: Mr.N.Naveen Kumar

For Respondents: Mr.R.Selvam,
for R1 Government Advocate

For Respondents: No appearance
for R2 to R4

ORDER

The Writ Petitions have been filed seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioners representations dated 11.9.2017 within a time stipulated by this Court.

2. Learned Counsel appearing for the petitioners submitted that the petitioners were working as Manager and Delivery Man respectively in Varalakshmi Agency. The agency paid the wages to the petitioners after deducting contribution towards Provident Fund and Employees State Insurance. In the meanwhile, the

Managing Director of the said agency Mr.Lalith Chandrasekar passed away and his legal heirs closed the agency without giving any notice for settling the Provident Fund and ESI amounts to its employees. In view thereof, the petitioners approached the Labour Officer on 14.10.2016 under Section 2A of the Industrial Disputes Act, 1947. The said Labour Officer sent a notice to the owners of the Varalakshmi Agency for their appearance on 18.1.2017, but they failed to appear before the Labour Officer. The petitioners also sent a representation dated 11.9.2017 to the respondents in this regard and the same is still pending. Thereafter, the Assistant Provident Commissioner sent a letter to the petitioners dated 24.11.2017 seeking certain documentary proofs such as copy of their appointment order, copy of their Identity Card and other relevant documents regarding the petitioners employment with Varalakshmi Agency. On receipt of the same, the petitioner have sent all the documents. But, till date, their representations have not been disposed of is the grievance of the petitioners. Hence the present Writ Petitions.

3. Heard Mr.R.Selvam, learned Government Advocate who takes notice for the 1st respondent.

4. At the outset, though the petitioners claim that they have sent the copy of their appointment orders and copy of their Identity Cards along with other documents to the Assistant Provident Fund Commissioner to show their employment with Varalakshmi Agency, they have not filed those documents before this Court to verify their employment with the said Varalakshmi Agency. Without these basic documents, this Court cannot decide this petitions.

5. In the result, the Writ Petitions fail and the same are accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Labour Welfare,
D.M.S. Compound,
Teynampet,
Chennai-6.

2. The Regional Provident Commissioner,
Tamil Nadu and Pondicherry,
Employees Provident Fund Organisation,
Royapettah High Road,
Chennai-14.

3. The Regional Director,
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Sterling Road, Nungambakkam,
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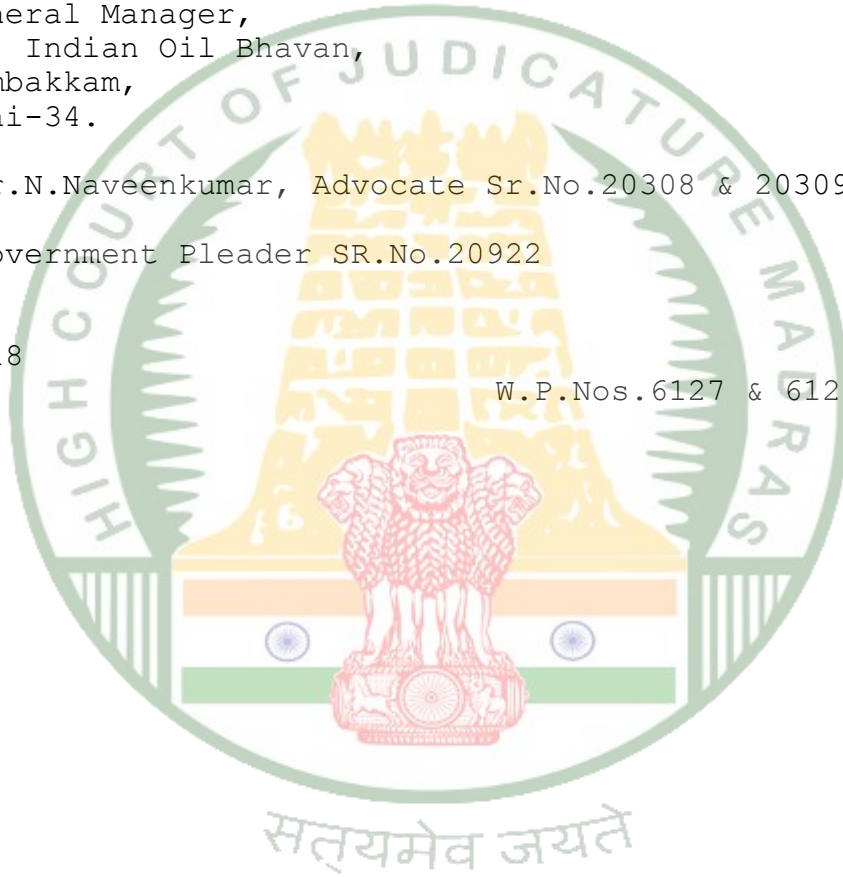
4. The General Manager,
I.O.C. Indian Oil Bhavan,
Nungambakkam,
Chennai-34.

+2cc to Mr.N.Naveenkumar, Advocate Sr.No.20308 & 20309

+1cc to Government Pleader SR.No.20922

MR(CO)
sm:6.4.2018

W.P.Nos.6127 & 6128/2018



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