

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 13.07.2018

Pronounced on : 20.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P. No. 4567 of 2009

P.R.Kumar

... Petitioner

vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Tambaram Taluk,
Tambaram,
Chennai- 600 045.

3.Tom Andrews,
Proprietor,
Craftsmen Bolt and Tools Company,
No.6, 2nd Street,
NGO Colony, Adambakkam,
Chennai - 600 088.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, prayed that this Court to issue a writ of mandamus directing the first respondent to take appropriate steps to collect the amount as per G.O.(D) No.44 dated 04.02.2008 from the third respondent without further delay.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents: Mr.M.Sricharan Rangarajan
Additional Government Pleader
for R.1 and R.2

O R D E R

On 27.06.2018, the following order was passed:-

"The present writ petition has been filed for a writ of mandamus directing the respondent to collect

the amount as per G.O(D).No.44, Labour and Employment Department dated 04.02.2008 from Thiru. Tom Andrews, Craftsment Bold and Tools Company, No.6, 2nd Street, NGO Colony, Adambakkam, Chennai.

2.This writ petition arises out of an Industrial Dispute No.517 of 1998 challenging the non employment of the petitioner before the Principal Labour Court, Chennai. The Labour Court, by an order dated 06.10.2004, passed an award directing the reinstatement with backwages. The Award has not been challenged an it attained finality. Since no steps were taken and since the Management did not pay the money or reinstate him, a petition under Section 33(1) of the Industrial Disputes Act was filed to take necessary recovery proceedings for recovering the amount.

3.The Government of Tamil Nadu passed a G.O.(D). No.44, Labour and Employment Department dated 04.02.2008 by issuing a Certificate to the Collector of Kancheepuram to proceed with the recovery proceedings. It is the grievance of the petitioner that the order was passed in the year 2008 directing the second respondent to recover the money from the third respondent, but till date no recovery has been effected.

4.To enable the counsel for the respondents to report back as to what time steps have been taken to recover the amount, post the matter on 06.07.2018."

2.The learned counsel for the respondent has not come back with any instructions. It is sad that despite the fact that the G.O.(D)No.44, directing the Collector, Kancheepuram to recover the amount of Rs.1,62,350/- from proprietor Tom and Andrews, Craftsman Bolt and Tool Company, Adambakkam, Chennai and to take necessary steps to pay it to the petitioner and send report to the Government was passed way back on 04.02.2008 the Collector, Kancheepuram has not taken any steps to recover the amount. There is a failure on the port of the respondent in performance of his statutory duty and the writ petitioner is maintainable.

3.The Collector, Kancheepuram is therefore is directed to initiate Revenue Recovery proceedings to recover Rs.1,62,350/- from proprietor Tom and Andrews, Craftsman Bolt and Tool Company, Adambakkam, Chennai and report compliance.

4.The writ petition is allowed in the aforesaid terms.
Post the writ petition on 17.08.2018 for reporting compliance.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

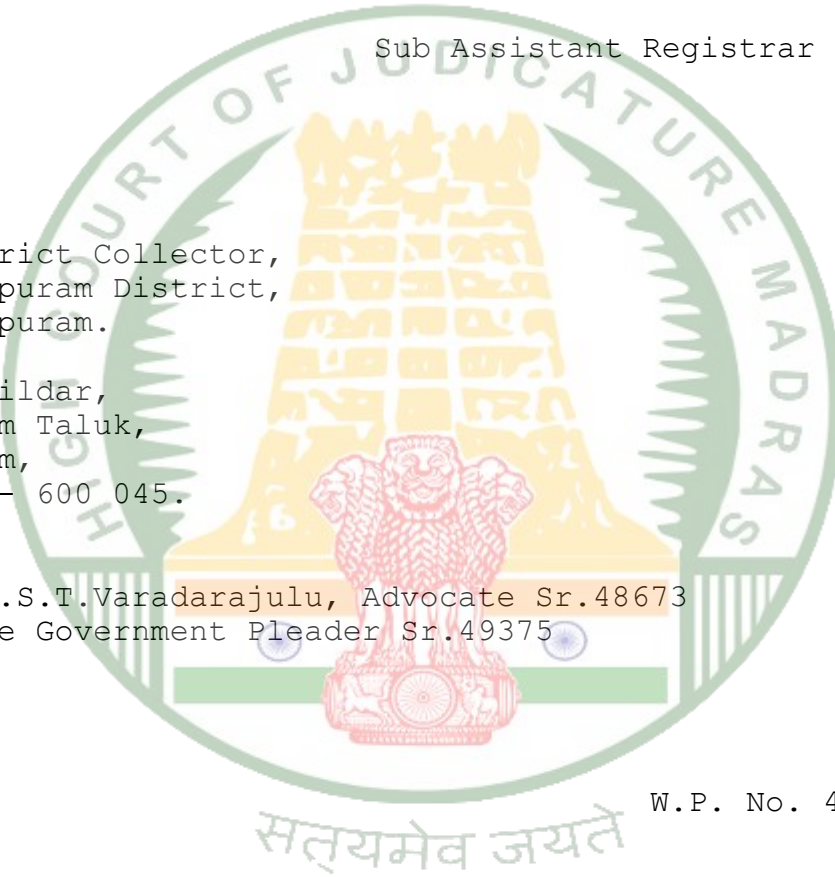
gsp

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Tambaram Taluk,
Tambaram,
Chennai- 600 045.

+1cc to Mr.S.T.Varadarajulu, Advocate Sr.48673
+1cc to the Government Pleader Sr.49375



W.P. No. 4567 of 2009

pvs[col]
srg 3/8/2018

WEB COPY