

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 27.07.2018

Pronounced on : 24 .08.2018

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No. 1432 of 2009

and

M.P.No. 1 of 2010

S.Kaliappan

... Petitioner

vs.

1. The District Collector,  
Salem District.

2. The Management of Lakshmi  
Welding Works,  
5/3A, Kallankuthu Street,  
Salem - 1.

... 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 recover the amount computed by the Labour Court in C.P.No.381/2005 to the tune of Rs.1,71,935/- with interest at the rate of 6% from 26.05.2006 till the date of realization as per the recovery certificate issued by the Government of Tamil Nadu vide G.O.D 85 dated 07.02.2007.

For Petitioner : Mr.K.V.Shanmuganathan

For Respondents : Mr. M.Sricharan Rangarajan

Additional Government Pleader for R1

ORDER

These writ petitions have been filed for a writ of mandamus directing the first respondent to recover the amount computed by the Labour Court in C.P.No.381/2005 for a sum of Rs.1,71,935/- with interest at the rate of 6% from 26.05.2006 till the date of realization as per the recovery certificate issued by the Government of Tamil Nadu vide G.O.D 85 dated 07.02.2007.

2.Heard, Mr.K.V.Shanmuganathan, learned counsel for the

petitioner and Mr. M.Sricharan Rangarajan, learned Additional Government Pleader for the first respondent.

3.The petitioner joined the services of the second respondent herein on 01.04.1982 as Fitter. He was made permanent on 01.04.1992. The petitioner was not paid for the work done by him by the second respondent from 01.05.2003.

4.The petitioner resigned from his job on 31.11.2004, but the second respondent did not relieve the petitioner from service till 31.03.2005. The petitioner therefore, approached the Labour Court for the recover of arrears of wages from 01.05.2003 to 31.03.2005, bonus for the period from 2002 to 2005, yearly increment and arrears of dearness allowance from 01.04.2002 to 31.03.2005. The petitioner claimed Rs.2,23,000/- by filing C.P.No.381/2005, before the Labour Court, Salem. The Labour Court by an award dated 26.05.2006 allowed the petition.

5.Despite the award, respondent No.2 did not pay the amount as specified in the award. The petitioner thereafter made an application under Section 33 C (1) of the Industrial Disputes Act, 1947, seeking the Government of Tamil Nadu to issue a recovery certificate for recovering the amount computed by the Labour Court, Salem in C.P.No.381/2005.

6.The Government of Tamil Nadu issued a show cause notice dated 30.10.2006 to the second respondent to show cause as to why recovery certificate for the money as claimed by the petitioner should not be issued. Since, there was no response, the Government of Tamil Nadu issued a recovery certificate vide G.O.D.No.85 dated 07.02.2007 directing the District Collector, Salem to recover the amount computed by the amount paid by the Land Revenue.

7.Despite the Government Order, which has been passed as early as on 07.02.2007, the first respondent has not initiated any steps to take recover the amount.

8.Notice was issued by this Court on 27.01.2009. Respondent No.1 is represented by learned counsel. No response has been filed. Despite time being granted the learned counsel for the first respondent has not represented as to whether the amount payable to the petitioner vide G.O.D.No.85 dated 07.02.2007 has been paid or not. Inaction on the part of the District Collector, Salem for not taking steps to recover the amount due to the workman is inexplicable.

9.The writ petition is allowed and the first respondent is directed to recover the amount due to the petitioner within eight weeks from the receipt of a copy of this order. The writ

petition be posted on 26.10.2018, for reporting compliance. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gsp

To

The District Collector,  
Salem District.

W.P.No.1432 of 2009  
and  
M.P.No.1 of 2010

NM(CO)  
CS/07/09/18



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