

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.11.2018

CORAM :
THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.29875 of 2018

R.Murugesan

...Petitioner

Vs.

1.The District Collector,
Krishnagiri District.
Krishnagiri.

2.The Management,
S.836, Royakottai Primary
Agricultural Cooperative
Credit Soceity Limited,
Royakottai Post,
Denkanikottai Taluk,
Krishnagiri District.

3.The Deputy Commissioner of Labour,
O/o.The Joint Commissioner of Labour,
Salem - 8.

4.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

...Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to recover subsistence allowance amount of Rs.7,70,779/- along with interest at 24% per annum payable to the petitioner from the 2nd respondent Management as per Revenue Recovery Act and to deposit the amount to 3rd Respondent Labour Commissioner at Salem.

For Petitioner : Mr.V.R.Annagandhi

For Respondents : Mr.M.Karthikeyan
Addl. Govt. Pleader for R1,3 & 4

Mr.Balaramesh
Addl Govt. Pleader (Co-op) for R2

O R D E R

This Writ Petition is filed seeking to direct the 1st respondent to recover subsistence allowance amounting a sum of Rs.7,70,779/- along with interest at 24% per annum, payable to the petitioner, from the 2nd respondent Management as per Revenue Recovery Act and to deposit the said amount to the 3rd Respondent Labour Commissioner at Salem.

2. The learned counsel for the petitioner would submit that the 2nd respondent has not paid the subsistence allowance for the period from 12.12.2014 to 12.12.2017. By order dated 14.02.2018 the Labour Court directed to pay the same. Subsequently, the 1st respondent directed the 4th respondent to recover the said amount. But, the amount has not been paid by the 2nd respondent. Hence, the petitioner made a representation on 27.08.2018 to the first respondent requesting to recover the subsistence allowance from the 2nd respondent. Since no orders have been passed on the representation, the petitioner has filed this writ petition seeking the aforesaid prayer.

3. However, today when the matter was taken up for hearing, the learned counsel for the petitioner would submit that he would restrict his prayer for a direction be given to the first respondent to consider his representation dated 27.08.2018 and pass orders within the time fixed by this Court.

4. The learned Additional Government Pleader representing the respondents would submit that the said representation would be considered on merits and in accordance with law.

5. Considering the limited scope of prayer, without going into the merits of the case, this Court is inclined to direct the 1st respondent to consider the representation of the petitioner dated 27.08.2018, on merits and in accordance with law, and pass orders as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order, after providing due opportunity to the parties concerned. It is needless to state that the petitioner shall produce a copy of his representation, along with this order copy, to the 1st respondent.

6. The Writ Petition is disposed of, with the above direction. No order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

avr

To

1. The District Collector,
Krishnagiri District.
Krishnagiri.
2. The Deputy Commissioner of Labour,
O/o.The Joint Commissioner of Labour,
Salem - 8.
- 3 .The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

+1cc to V.R.Annagandhi, Advocate, S.R.No. 81699
+1cc to Special Government Pleader, S.R.No.82238

W.P.No.29875 of 2018

SVN(CO)

rrs 24/01/2019