

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.30650 of 2018
and
W.M.P.No.35750 of 2018

1.Pachaiyappan

2.Mallika

... Petitioners

vs.

1.The State of Tamil Nadu,
Rep by the District Collector,
O/o. Collectorate,
Thiruvallur District.

2.The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District.

3.The Deputy Commissioner of Labour - I,
O/o. Deputy Commissioner of Labour - I,
DMS Complex, 2nd Floor,
Teynampet,
Chennai - 600 006.

4.The Deputy Commissioner of Labour,
O/o. Deputy Commissioner of Labour,
Vellore, Vellore District.

5.The Managing Director,
Digital Data Form (P)Ltd.,
No.B.4 Sipcot Industrial Estate,
Gummidipoondi,
Thiruvallur District.

6.Sundaram

... Respondents

PRAYER: This Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the

respondents 1 & 2 to recover the award amount of Rs.4,36,420/- together with the 12% p.a interest from 09.07.2008 till the date of deposit from the 5th respondent and pay to the petitioners within time frame and allow the writ petition with costs.

For Petitioners: Mr.B.Srinivasan

For Respondents: Mr.M.Karthikeyan,
Addl. Govt. Pleader for R1 to R4.

O R D E R

This Writ Petition is filed seeking to direct the respondents 1 & 2 to recover the award amount of Rs.4,36,420/- together with the 12% p.a interest from 09.07.2008 till the date of deposit from the 5th respondent and pay to the petitioners within a stipulated time.

2. Mr. M. Karthikeyan, learned Additional Government Pleader takes notice for the respondents 1 to 4. With the consent of both the parties, the matter is disposed of at the stage of admission itself.

3. The learned counsel for the petitioners would submit that eventhough the award has been passed during the year 2013, nearly 5 years have been lapsed, the 1st respondent has not recovered the said amount. Hence, this writ petition has been filed by the petitioner.

4. The learned Additional Government Pleader would submit that the District Collector directed the Tahsildar to take action for recovery of the said amount. During personal enquiry, the Tahsildar could not find the said company, as it was not functioning in the address given by the writ petitioners. Therefore, he sent a communication to SIPCOT. In turn, SIPCOT has sent a communication to the Tahsildar, namely, the 2nd respondent, furnishing the address of the 5th respondent Company. It is found that the 5th respondent has shifted from Thiruvallur District to Chennai.

5. In the light of the aforesaid submission made by the learned Additional Government Pleader, this Court is of the view that it would be appropriate for the petitioners to approach the District Collector, Chennai requesting him to take action for recovery of the award amount. The learned counsel for the petitioners undertake to approach the District Collector within a period of four weeks.

6. In view of the above submission, the Tahsildar/ 2nd respondent is directed to communicate the particulars of the 5th

respondent Company to the writ petitioners, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such communication, the writ petitioners shall approach the District Collector, Chennai for initiating recovery proceedings against the 5th respondent, within a period of two weeks thereafter. In the event of receiving such representation, the District Collector, Chennai, taking note of the fact that the petitioners have been sent from pillar to post for more than five years, shall initiate the process as early as possible.

7. With the above direction, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

avr/ebsi

To

- 1.The District Collector,
O/o. Collectorate,
Thiruvallur District.
- 2.The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District.
- 3.The Deputy Commissioner of Labour - I,
O/o. Deputy Commissioner of Labour - 1,
DMS Complex, 2nd Floor, Teynampet,
Chennai - 600 006.
- 4.The Deputy Commissioner of Labour,
O/o. Deputy Commissioner of Labour,
Vellore, Vellore District.

+1cc to Mr. B.Srinivasan, Advocate, S.R.No. 79360
+1cc to the Government Pleader, S.R.No. 80431

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RR (CO)
GN(20/12/2018)