

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 19766 of 2009
and M.P.Nos.1 of 2009 and 1 of 2011

Plantation Labours Association,
rep. by its President,
No.85, Jawaharpet,
Coonoor -2,
Nilgiris District.

.. Petitioner

Vs.

1. The Executive Director,
Tea Board of India,
Coonoor - 1,
Nilgiris District.
2. The Deputy Commissioner of Labour,
Coonoor, Nilgiris District.
3. The United Plantation Ltd.,
rep. by its
Managing Director,
Chennappa Gounder,
Terrace Estate,
Gudalur, Nilgiris District.

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent and second respondent to consider the representation of the petitioner dated 08.08.2009 to take appropriate action under Section 16C and 16E of Tea Act in accordance with law.

For Petitioner : Mr. R.Sankarasubbu
For Respondents : Mr.S.Srinivasan [R1]

Mr.J.Ramesh
Additional Government Pleader [R2]

Mr.Udayarkar Rangarajan[R3]

O R D E R

The relief sought for in the present writ petition is to direct the first respondent to consider the representation submitted by the writ petitioner on 08.08.2009 and to initiate appropriate action under Section 16C and 16E of the Tea Act in accordance with law.

2. The writ petitioner is a Labour Association. The learned counsel appearing on behalf of the writ petitioner states that the wages, as applicable, has not been paid on several occasions and even now the wages are not paid properly. Under these circumstances, the writ petitioner Association had submitted representations on several occasions to initiate action against the 3rd respondent Management under the provisions of the Tea Act. The learned counsel for the writ petitioner states that the 3rd respondent Management is in the habit of not paying the wages and some times postponing the payment of wages for unspecified period.

3. This Court is of the opinion that in the event of any such irregularity or illegality, the competent authorities are bound to initiate action against such Managements under the provisions of the statute. In the present case, the learned counsel for the writ petitioner states that under Section 16D of the Tea Act, the central Government is empowered to assume the administration of the Management or to control the Management in certain cases. In this regard, the learned counsel for the writ petitioner cited the judgment of the Hon'ble Supreme Court of India in the case of International Union Food Agricul and Ors. Vs. Union of India and Ors. [reported in 2018 (8) SCC 201], wherein the Hon'ble Supreme Court of India observed as follows:

"2. However, there is no outcome. In the circumstances, we direct the Central Government to carry out their statutory duties under the provisions of Tea Act, particularly, in terms of Sections 16B, 16C, 16D and 16E within a period of six months from today."

4. In view of the facts and circumstances, the first respondent is directed to take note of the complaint filed by the writ petitioner Association, conduct an enquiry by affording an opportunity to all the parties concerned and thereafter initiate appropriate proceedings under the provisions of the statute and by following the procedures as contemplated. Such an exercise is directed to be done by the first respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Executive Director,
Tea Board of India,
Coonoor - 1,
Nilgiris District.
2. The Deputy Commissioner of Labour,
Coonoor, Nilgiris District.
3. The Managing Director,
United Plantation Ltd.,
Chennappa Gounder,
Terrace Estate,
Gudalur, Nilgiris District.

+1 CC to Mr.R. Saravana Subbu, Advocate sr 90524.
+1 CC to The Govt. Pleader sr 90692.

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SPD (CO)
SP (05/12/2019)

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