

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2019

CORAM

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

W.P.No.17499 of 2013

G.Gowrishankar

...Petitioner

..Vs..

- 1.The Government of Tamil Nadu,
Department of Labour and Employment,
Fort St.George,
Chennai - 600 009.
- 2.The Chief Inspector of Factories,
Chepauk, Chennai - 600 005.
- 3.The Deputy Chief Inspector of Factories,
(Kancheepuram Circle)
No.617, Bharatkumar Bhawan,
Anna Salai, Chennai - 600 006.
- 4.The Management of
Visteon Automotice Systems India Pvt.Ltd.,
Registered office at Keelakaranai Village,
Malrosapuram Post, Maraimalai Nagar,
Chengelpet - 603 204.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second and third respondents to take appropriate action on the representation of the petitioner dated 16.07.2013 within the time limit fixed by this Court and issue further or other appropriate orders or directions.

For Petitioner : Mr.T.Ram Kumar

For Respondents: Mr.J.Ramesh, AGP
(for respondents 1 to 3)
No appearance for 4th respondent

ORDER

The relief sought for in the present writ petition is to direct the second and third respondents to take appropriate action on the representation of the petitioner dated 16.07.2013 within the time limit fixed.

2.The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 made a submission that the actions were already been initiated by the third respondent in respect of the complaint given by the writ petitioner on 16.07.2013.

3.A counter affidavit has been filed by the third respondent which reads as under;

"10.With reference to the averment in para 8 & 9, it is submitted that the issues raised by the petitioner as complaint was already noted during the regular inspection by the Deputy Chief Inspector of Factories even before the complaint was made by the petitioner. The Deputy Chief Inspector of Factories, Kancheepuram made routine Inspection and issued show cause notice along with the other contraventions also, and filed following cases against the occupier and Manager, in the Court of Chief Judicial Magistrate, Chengalpet.

Case against occupier Mr.B.Swaminathan, Age:49, S/o.Mr.Balasubramani, CC No.217/12

- Section 6(1) Rule 3(5) (a) - for not rectified the condition mentioned in the approved plan.
- Section 2 (cb) Schedule 1 Item (29) Section 7 A Rule 62 (o) (1) (c) (i) (2) - for medical officer not appointed.
- Section 47 Rule 72 - for not providing the restroom, shelter facilities.

The occupier Mr.B.Swaminathan, approached Madras High Court and got stay order for the above case, case No.Cr.OP.28486/2012.

Case against Manager Mr.L.Prabhu, Age: 38, S/o.Mr.N.R.Lakshmipathy, CC.No.215/2012.

- Section 44(1) - for not providing facilities for sitting.
- Section 51 - for allowing the workers to do overtime work
- CC No.216/12.
- Section 52 - for allowing the workers on weekly holidays.
- Section 54 - for allowing the workers to work

more than 9 hours.

On 06.11.2012, the learned Chief Judicial Magistrate imposed a fine on the Manager, for the above wo cases @ Rs.6,000/- for each count. The Manager remitted Rs.24,000/- as fine on 06.11.2012. Receipt No.0465048 (CC 215/12), 0465049 (CC 216/12)

I sent a reply letter by post to the petitioner for his complaint. The petitioner was sent any communication regarding his complaint after that. By knowing all facts and suppressed all the facts, the petitioner has approached the High Court after one year of his complaint. Now the One Letter Communicated to the petitioner. (Copy enclosed)

4.In view of the fact that the complaint filed by the writ petitioner was taken on file and actions were initiated by the respondents, no further consideration is required. The respondent Nos.2 and 3 are directed to continue the proceedings by following procedures contemplated under law.

5.Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Government of Tamil Nadu,
Department of Labour and Employment,
Fort St.George,
Chennai - 600 009.
- 2.The Chief Inspector of Factories,
Chepauk, Chennai - 600 005.
- 3.The Deputy Chief Inspector of Factories,
(Kancheepuram Circle)
No.617, Bharatkumar Bhawan,
Anna Salai, Chennai - 600 006.

4.The Management of
Visteon Automotice Systems India Pvt.Ltd.,
Registered office at Keelakaranai Village,
Malrosapuram Post, Maraimalai Nagar,
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+1cc to the Government Pleader Sr.95149

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mr[col]
srg 27/12/2019



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