

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.24984 of 2004
and
W.M.P.No.30381 of 2004

Mrs.G.Renuka ... Petitioner

Vs

1. The Collector of Chennai,
Rajaji Salai,
Chennai - 600 001.
2. The Tahsildar,
Fort - Tondiarpet, Taluk,
Chennai - 600 003.
3. The Deputy Commissioner Labour,
II Floor,
Labour Welfare Building,
D.M.S. Compound, Teynampet,
Chennai - 600 018. ... Respondents

(R3 Suo Motu impleaded vide order dated 06.03.2019 made in WP.NO.24984 of 2004 by MSRJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to quash the order passed by the Second respondent passed in his proceedings in Reference Order No.AA/4/5247/97dt. 02.08.2004 and to forbear the Respondents from proceeding against the petitioner or against her proprietary concern viz. Sri Iyyapaswamy Nataraja Pillai Lorry Service (MNP) under the Revenue Recovery Act or under any other Act unlawfully by issuing a Writ of Certiorarified Mandamus or any other appropriate Writ, order or direction of like nature.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents: Mrs.K.Bhuvaneswari
Additional Government Pleader for
R1 to R3

O R D E R

The order under challenge in the present writ petition is to a demand made by the second respondent herein directing the petitioner to pay a sum of Rs.73,668/- (Rupees Seventy Three Thousand Six Hundred and Sixty Eight) to the claimant namely Mrs.Mallika.

2. The learned counsel for the petitioner submitted that the original employer had closed down the lorry business and that the petitioner herein is running the business in the name of Sri Iyyappaswamy Nataraja Pillai Lorry Service (MNP). Nevertheless, since the original employer is the petitioner's husband, he had sent a letter dated 30.03.2019 to the second respondent herein offering to pay the award amount of Rs.73,663/- (Rupees Seventy Three Thousand Six Hundred and Sixty Three Only) in seven monthly instalments of Rs.10,000/- (Rupees Ten Thousand Only) each. The claimant has not been made a party/respondent in the present proceedings. According to the learned counsel for petitioner, they are unable to trace the whereabouts of the claimant.

3. The learned Additional Government Pleader also submits that since the records pertain to more than 18 years, they are unable to trace the same expeditiously.

4. In my view, since the original employer namely the petitioner's husband has offered to make the payment through 7 instalments, his bonafides can be accepted.

5. In the light of the representation made by the petitioner's husband dated 30.03.2019, second respondent herein shall accept the award amount of Rs.73,663/- (Rupees Seventy Three Thousand Six Hundred and Sixty Three Only) in seven equal instalments from the petitioner's husband namely Mr.N.Gnanasekar, residing at No.294, Wall Tax Road, Chennai - 600 002, (Ph.No.044-42051558) and secure it under deposit to facilitate withdrawal by the claimant. The deposit shall be made in favour of Joint Commissioner of Labour - I, Chennai.

6. In view of the offer made by the petitioner's husband, the second respondent shall not proceed any further collection under the impugned order dated 02.08.2004.

With the above observations, the writ petition stands closed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Collector of Chennai,
Rajaji Salai,
Chennai - 600 001.
2. The Tahsildar,
Fort - Tondiarpet, Taluk,
Chennai - 600 003.
3. The Deputy Commissioner Labour,
II Floor,
Labour Welfare Building,
D.M.S. Compound, Teynampet,
Chennai - 600 018.

+1cc to Mr.V.S.Jagadeesan , Advocate SR.No. 37556

+1 cc to Government Pleader Sr.No. 38792

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A.SK(03/06/2019)

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