

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30759 of 2008

1. N.Narayanan
2. K.Ellappan ... Petitioners

-vs-

1. The Collector
Kancheepuram District
Kancheepuram
2. The President
Orathi Panchayat
Maduranthagam Taluk
Kancheepuram District 603 307 ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent herein to implement the G.O.(D) No.465, Labour and Employment (A2) Department dated 15.06.2007 by effecting Revenue Recovery Proceedings against the second respondent herein and recover the sum of Rs.38,565/- for each of the petitioner along with interest at 7.5% per annum from the second respondent and disburse the same to the petitioners herein within a time frame.

For Petitioners::Mr.K.M.Ramesh

For Respondents::Mr.K.Ravikumar
Additional Government Pleader
for R1
Mr.V.R.Thangavelu for R2

ORDER

The petitioners have come to this Court seeking issuance of a writ of mandamus under Article 226 of the Constitution of India directing the District Collector, Kancheepuram District, the first respondent herein to implement the G.O.(D) No.465, Labour and Employment (A2) Department dated 15.06.2007 by effecting Revenue Recovery Proceedings against the President, Orathi Panchayat, Maduranthagam Taluk (now the Block Development Officer), the second respondent herein and recover a sum of

Rs.38,565/- for each of the petitioners along with interest at the rate of 7.5% per annum and disburse the same to the petitioners herein within a time frame.

2. It is stated that the petitioners were employed under the second respondent-The President, Orathi Panchayat (now the Block Development Officer) as Pumpset Drivers (Operators) for over a period of 15 years. From the date of joining the service, the second respondent was paying only a consolidated amount of Rs.350/- as the monthly wages for the petitioners and they were not paid with any adhoc increase in the monthly wages from time to time as notified by the Government in various Government Orders. Therefore, they filed a claim petition under Section 33-C(2) of the Industrial Disputes Act, 1947 before the First Additional Labour Court, Chennai in C.P.No.475 of 2005 claiming the adhoc increase as ordered by the Government in various Government Orders for the period from 1.4.92 to 31.5.2005 for a sum of Rs.38,565/- each with interest at the rate of 10% per annum. For the reason that the second respondent committed default in his appearance and failed to contest the claim petition, the second respondent was proceeded ex parte and finally the First Additional Labour Court, Chennai, by its order dated 19.4.2006, computed the sum of Rs.38,565/- each with interest at the rate of 7.5% per annum with a further direction to the second respondent to pay the said sum to each of the petitioners. But the second respondent failed to take any action either to set aside the ex parte order or to comply with the order passed in C.P.No.475 of 2005 by paying the amount to them. Therefore, the petitioners applied to the Government of Tamil Nadu for issuance of a certificate under Section 33-C(1) of the Industrial Disputes Act to recover the amount from the second respondent through revenue recovery proceedings. Finally, the Government also issued G.O.(D) No.465, Labour and Employment (A2) Department dated 15.6.2007 directing the District Collector, Kancheepuram to take steps to recover the sum of Rs.38,565/- each with interest at the rate of 7.5% per annum and disburse the same to the petitioners. But till date, the first respondent has not taken any action to recover the said amount as per the G.O.(D) No.465 dated 15.6.2007. In view of the passage of long time from the date of filing of the writ petition, namely, from 2008 till January, 2019, the amount quantified in the said Government Order has not been realised. Therefore, a direction be issued to the District Collector, Kancheepuram to recover the amount of Rs.38,565/- each through revenue recovery proceedings and pay the entire amount along with interest at the rate of 7.5% per annum to the petitioners.

3. The learned Additional Government Pleader for the respondents has no say in this matter.

4. Since the Government had already issued G.O.(D) No.465, Labour and Employment (A2) Department dated 15.6.2007 ordering the recovery of the amount from the President, Orathi Panchayat, Maduranthagam Taluk, now under the control of the Block Development Officer, this Court finally grants four weeks time to the District Collector, Kancheepuram to comply with the G.O. (D) No.465 dated 15.6.2007 by initiating necessary revenue recovery proceedings and pay the amount along with interest to each of the petitioners within the period stipulated in this order. With this observation, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Collector,
Kancheepuram District,
Kancheepuram.
2. The President,
(now under the control of
the Block Development Officer)
Orathi Panchayat,
Maduranthagam Taluk,
Kancheepuram District 603 307.

+lcc to Mr.K.M.Ramesh, Advocate Sr.14269
+lcc to the Government Pleader Sr.15104

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W.P.No.30759 of 2008

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