

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35720 of 2004

Hosur Electronics Engineering &
General Employees Union(Reg.No.36/DRP),
rep.by its Secretary P.Krishnan,
CITU, Krishnagiri District Committee,
Periyar Nagar,
Hosur-635 109,
Krishnagiri District.Petitioner

vs.

1. Secretary to the Government,
Department of Labour,
Fort St.George,
Chennai 600 009.
2. Secretary to the Government,
Department of Commercial Taxes,
Fort St.George,
Chennai 600 009.
3. Commercial Tax Officer,
Hosur (South),
Hosur, Krishnagiri District.
4. The Management of Aditya Bags (India) Ltd.,
852/2, Bairamangalam,
Aggondapalli Village,
Denkanikottai Taluk,
Krishnagiri District. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to secure the amounts due to the members of the petitioner Union listed in the annexure enclosed in the typed set from the 2nd and 3rd respondents out of the amount realised by them from auctioning the land, building and machinery of the 4th respondent Management on 02.12.2004, or any other date thereafter, and to consequently disburse the same to the workers listed in the annexure enclosed in the typed set according to their entitlement.

For Petitioner : Mr.K.Elango

For Respondents : Mr.J.Ramesh,
Additional Government Pleader
for R1.
Mr.V.Haribabu
Additional Government Pleader(Taxes)
for RR2 & 3.
Mr.M.R.Raghavan for R4.

O R D E R

The Hosur Electronics Engineering & General Employees Union has filed this writ petition for a direction to the first respondent to secure the amounts due to the members of the petitioner Union, listed in the annexure from the 2nd and 3rd respondent, out of the amount realized from auctioning the land, building and machinery belonging to the 4th respondent/Management.

2. The learned counsel for the respondents 2 and 3 made a submission that the immovable properties which belonged to the 4th respondent/Management was sold during the year 2010 itself and the amount realized was adjusted towards the commercial tax dues and other statutory dues. Even after realization, the 4th respondent still has to pay about Rs.2.5 crores. Under these circumstances, there is no possibility of realizing any amount from the 4th respondent towards the dues of the workman and in the event of any other action against the 4th respondent for realization of any other further amount, the grievances of the writ petitioner should also be considered and settlements are to be made by following the procedures contemplated under law.

3. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

ssb

To

1. Secretary to the Government,
Department of Labour,
Fort St.George,
Chennai 600 009.

2. Secretary to the Government,
Department of Commercial Taxes,
Fort St.George,
Chennai 600 009.

3. Commercial Tax Officer,
Hosur (South),
Hosur, Krishnagiri District.

+1cc to Mr.K.Elango, Advocate SR.No.88453

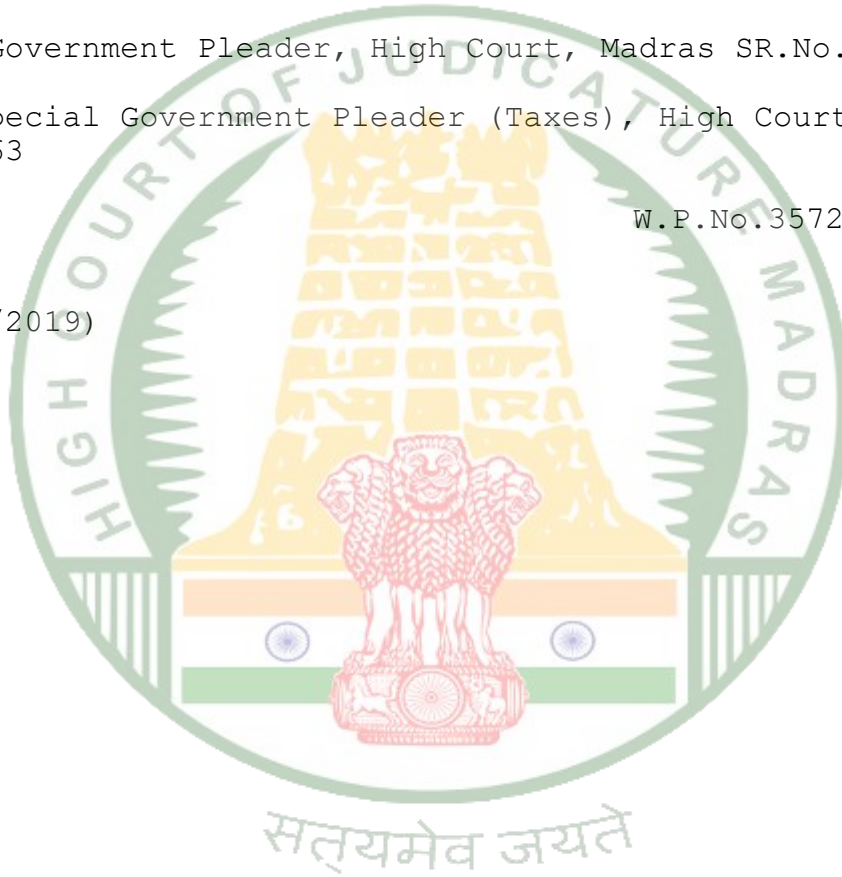
+1cc to Mr.M.R.Raghavan, Advocate SR.No.88621

+1cc to Government Pleader, High Court, Madras SR.No.88730

+1cc to Special Government Pleader (Taxes), High Court, Madras
SR.No.88563

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SJ(CO)
GMY(27/11/2019)



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