

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04-11-2019

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3720 of 2015

Marian Soldiers Securities and Contract  
Labourers Association Reg.No.EKM/TC/307/2014,  
C/o.Arputha Swamy House,  
Near Milk Society,  
Walayar Dam Post,  
Walayar,  
Palakkad 678 642 represented by  
its Secretary, Zacharias, aged 49 years,  
S/o.P.Cleatus. ... Petitioner

vs.

- 1.The Regional Provident Fund Commissioner,  
EPF Regional Office,  
Dr.Balasubramaniam Road,  
Near RTO Office,  
Coimbatore-641 018.
- 2.The Director,  
Employees State Insurance Corporation (ESIC),  
Ramanathapuram,  
Coimbatore-641 018.
- 3.M/s.Malabar Cement Limited,  
Walayar,  
Palakkad represented by its  
Managing Director.
- 4.M/s.Globe Detective Agency,  
383 Dr.Nanjappa Road,  
Coimbatore 641 018 Represented  
by its Managing Director. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider and dispose of the representations dated 27.03.2014, 20.05.2014 and 28.01.2015 and directing the second respondent to consider and dispose of the representations dated 27.03.2014, 17.06.2014 and

28.01.2015 with notice and opportunity of hearing to the petitioner.

For Petitioner : No Appearance  
For Respondent-1 : Mr.C.Kulanthaivel  
For Respondent-2 : Mr.C.N.Ramachandramurthy  
For Respondent-3 : Mr.T.Sivaprakasam  
For Respondent-4 : Mr.S.Ravindran, Senior Counsel  
for Mr.S.Bazeer Ahamed

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to consider and dispose of the representations dated 27.03.2014, 20.05.2014 and 28.01.2015 and directing the second respondent to consider and dispose of the representations dated 27.03.2014, 17.06.2014 and 28.01.2015 with notice and opportunity of hearing to the writ petitioner.

2. The learned Senior Counsel appearing on behalf of the fourth respondent made a submission that the very same writ petitioner filed Writ Appeal in W.A.No.1380 of 2014 before the High Court of Kerala and the Division Bench of the Kerala High Court passed an order on 09.12.2014 and paragraph-4 of the said order reads as under:-

"4. Therefore, we find that the grievance projected in this appeal can be redressed, by modifying the reliefs granted in the writ petition. Consequently, the relief granted in the writ petition will stand modified as follows:-

"The first respondent is directed to consider Ext.P-1 representation and the second respondent is directed to consider Ext.P-2 representation and pass appropriate orders thereon as expeditiously as possible @ within a period of six weeks of the date of production of a copy of this judgment, after affording an opportunity of being heard to all the interested parties."

The writ appeal is disposed of accordingly."

3. The learned Senior Counsel appearing on behalf of the fourth respondent is of an opinion that when a direction was already issued by the Division Bench of the Kerala High Court, the present writ petition deserves no further consideration, as the grievances of the writ petitioner can be redressed before the authority concerned, pursuant to the orders passed by the Division Bench of the Kerala High Court.

4. This being the factum, no further adjudication needs to be undertaken in respect of the grounds raised in the present writ petition and the writ petitioner is at liberty to pursue the remedy pursuant to the order passed by the Division Bench of the Kerala High Court.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Regional Provident Fund Commissioner,  
EPF Regional Office,  
Dr.Balasubramaniam Road,  
Near RTO Office,  
Coimbatore-641 018.

2.The Director,  
Employees State Insurance Corporation (ESIC),  
Ramanathapuram,  
Coimbatore-641 018.

+1cc to Mr.S.Bazeer Ahamed, Advocate, S.R.No. 91202  
+1cc to Mr.C.Kulanthaivel, Advocate, S.R.No. 92022  
+1cc to Mr.C.V.Ramachandramurthy, Advocate, S.R.No. 92022  
+1cc to Mr.T.Sivaprakasam, Advocate, S.R.No. 91201

WP No.3720 of 2015

GN(21/11/2019)