

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.3580 of 2019
and
C.M.P.No.23001 of 2019

1.Anglo French Textiles
(A Unit of of Pondicherry Textiles
Corporation Limited)
Rep. by its Managing Director,
Mudaliarpeta,
Puducherry - 605 004.

2.Pondicherry Textiles Corporation Limited,
Rep. by its Chairman and
The Chief Secretary to the Government of Puducherry,
Puducherry 605 001.

3.Union Territory of Puducherry
Rep. by the Chief Secretary to
Government, Puducherry 605 001.

... Appellants/Respondents

Vs

1.V.R.Venkatesan (S1352)
2.J.Kumar (S1355)
3.R.Senthamaraiannan (S1359)
4.N.Sampathkumar (S1360)
5.V.V.Sivakumar (S1361)
6.A.Kesavan (S1367)
7.V.Srinivasan (S1540)
8.S.Velayudam (S1546)
9.A.G.Venkatapathy (S1553)
10.R.Mani (S1562)
11.V.Govindaraj (S1564)
12.C.Rajaraman (S1565)
13.B.Shanmugam (S1646)
14.C.Ravy (S1678)
15.A.Amuthavanan (S1554)
16.K.Sandirasegaran (S1557)
17.D.Sankar (S1620)
18.V.Vasantham Coumare (S1655)
19.K.Anandan (S1657)
20.J.Ganesan (S1659)
21.M.Peroumal (S1661)

22.P.Rangarasu (S1666)
23.K.Djeamourthy (S1667)
24.M.Kumarasamy (S1684)
25.V.Baskaran (S1685)
All are employed as Technical Supervisors in
Anglo French Textiles
Mudaliarpet, Puducherry - 605 004.

... Respondents

PRAYER : Appeal against the order dated 14.08.2019 made in W.M.P.No.28679 of 2018 in WP. 24642/2018 on the file of this Court.

Prayer in WMP.No. 28679/2018: To direct the respondents to forthwith make interim payments to the petitioners herein as may be fixed by this Honourable Court.

Prayer in WP.No. 24642 of 2018: Petition filed under Article 226 of the Constitution of India, directing the Respondent herein to pay salary and allowance to the Petitioners herein every month without interruption.

For Appellant : Ms.N.Mala
For Respondents : Mr.Kandhan Duraisamy

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The Writ Appeal has been filed against the interim order passed by the learned single Judge, directing the appellants to pay a sum of Rs.15,000/- per month to each of the supervisory staff until a final solution is found in the above matter. The respondents are the supervisory staff of the 1st appellant. Due to various reasons, the 1st appellant has become sick and therefore, though initially the respondents who are the staff have been paid ex gratia amount of Rs.15,000/- per month, after lay off, they have not been paid. Therefore, the Supervisory staff moved the Writ Petition. After giving opportunity to the appellants, a direction has been given by the learned single Judge to pay a sum of Rs.15,000/- which was discontinued, commencing from September 2019, until a final solution is reached. The said order has been challenged before this court.

2.Heard Ms.N.Mala, learned Additional Government Pleader for the appellants and Mr.Kandhan Duraisamy, learned counsel appearing on behalf of the respondents.

3.It is represented by both the learned counsel that similar matter came up before another Bench led by His Lordship Hon'ble Justice Mr.M.Sathyannarayanan in W.A.No.3426 of 2019 on 16.10.2019 and the said Appeal has been dismissed by the Bench with a direction to comply with the order of this Court and the Bench further observed that the amount which is being paid could be adjusted towards final settlement. The

relevant portion of the said Judgment is usefully extracted as follows:

"10. In the light of the fact and circumstances especially the deprivation of the likelihood of the writ petitioners for the reason that the payment of exgratia was stopped from March 2017 onwards and admittedly, the settlement proposal mooted is pending consideration, this Court is of the considered view that the payment of exgratia as ordered by this Court in the impugned order is to be adjusted from the amount due and payable, if the settlement proposal is ended positively.

11. In the result, the writ appeal is dismissed and however it is made clear that the payment of exgratia amount in terms of the interim order of direction can be adjusted in the light of the settlement proposal ending positively and the same is without prejudice to the rights and contention of the writ petitioners as well as the official respondents."

4. In the light of the above judgment, this Writ Appeal is also dismissed on the same lines. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sai

To

1. The Chairman
Pondicherry Textiles Corporation Limited and
The Chief Secretary to the Government of Puducherry,
Puducherry 605 001.

2. The Chief Secretary to Government
Union Territory of Puducherry,
Puducherry 605 001.

+1cc to Mr.N.Mala, Advocate, S.R.No. 90820

+1cc to Mr.Muthumani Doraisami, Advocate, S.R.No. 90204

W.A.No.3580 of 2019