

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 7520 of 2017
and
W.M.P.No.8206 of 2017

R. Ganesan,
S/o. Ramasamy,
No.3/59, Koothagoundampalayam,
Avinasipatti Post,
Tiruchengode Taluk,
Namakkal- District

... Petitioner

Vs

1. The Regional Manager (SG),
Tamilnadu State Marketing Corporation Ltd.,
TASMAC Ltd.,
Brindavan Road,
Salem- 16.
2. The District Manager,
TASMAC Ltd.,
Namakkal - District.
3. S. Eswaran,
S/o. Chettiannan,
4. K. Madeswaran,
S/o. Kuppusamy
5. P.Jagadeesan,
S/o. Periasamy
6. Palaniappan,
S/o. Sellappa Gounder

7. K. Senguttuvelu,
S/o. Kandasamy
(R3 to R7 were impleaded as per
order dated 27.09.2018 in
WMP No.27793/2018)

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarirified Mandamus to call for the records relating to the proceedings of the first respondent in Na.Ka.No.1042/2015/A, dated 07.09.2015 and quash the same and consequently direct the respondents to pay the existing dues payable to the petitioner from 16.06.2014 to 07.02.2015 with an interest of 24% per annum.

For Petitioners : Mr.S.P.Sudalayandi
For Respondents : Mr. K.Sathishkumar,
SC for R1 & R2,
No Appearance -R4,R6, R7
Not ready - R3 & R5

O R D E R

This writ petition has been filed challenging the order passed by the first respondent.

2. According to the petitioner, the petitioner is the owner of one Jayalakshmi Transports, and running lorries from the year 2012. The respondent TASMAC, awarded contract to the petitioner for transporting liquor to various retail shops and he has also successfully completed the contract, but the amount payable to the petitioner has not been paid. The respondents rejected the claim of the petitioner on the ground that there is a dispute between the partners, that apart, the petitioner has also not paid arrears of salary payable to the drivers and also not paid the Employees Provident Fund to the employees. Once he cleared the arrears, then only the amount payable to the petitioner will be disbursed to him. Now, challenging the order, the present writ petition has been filed.

3. Today, when the matter is taken up, the learned counsel appearing for the petitioner would submit that subsequent to the order passed by the respondent, the petitioner has settled the entire salary payable to the loadmen as well as the drivers and the petitioner has paid the Employees Provident Fund to the employers. Apart from that the learned counsel also would submit that there is no dispute between the partners. He has also submitted all those documents to the respondent. But so far no order has been passed on the same. Hence, the present writ petition has been filed.

4. The learned counsel for the respondents 1 and 2, on instructions submitted that there is dispute between the petitioner and his partners, that apart, the petitioner also did not pay the salary due to the employees and not paid the Employers Provident Fund amount. So far the respondent had not received any communication from the petitioner regarding the payment of salary and also the Employers Provident Fund amount payable to the employees.

5. Considering the above circumstances, without going into the merits of the case, as the petitioner submitted that he has settled the entire dues as directed by the respondents 1 and 2, and there is no dispute between the partners, the petitioner is directed to produce all those documents before the respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to issue notice to the concerned parties including the partner of the firms, and conduct enquiry and pass orders on merits and in accordance with law within a period of six weeks thereafter.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp
To

1. The Regional Manager (SG),
Tamilnadu State Marketing Corporation Ltd.,
TASMAC Ltd.,
Brindavan Road, Salem- 16.

2. The District Manager,
TASMAC Ltd., Namakkal - District.

+1cc to Mr.K.Sathish kumar , Advocate SR.No. 78749

+1cc to Mr.S.P.Sudalayandi , Advocate SR.No. 79011

W.P. No.7520 of 2017

ssp

A.SK(08/11/2019)