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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) No.1527 of 2018

and

CMP (MD) Nos.10875/18 & 1805 & 1806 of 2019

The Secretary,
Eraniel Sarvodaya Sangam,
Head Office,
28/92, Muttom Road,
Eraniel, Neyyoor Post,
Kanyakumari District.

: Appellant / 3rd respondent

Vs.

1.C.Rameshwaran

: 1st respondent/writ petitioner

2.The District Collector,
Office of the District Collector,
Kanyakumari District.

3.The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Tirunelveli.

: Respondents 2 and 3/
Respondents 1 and 2

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order dated 16.08.2018 made in W.P.(MD) No.19898 of 2014.

Prayer in WP(MD). 19898/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent to initiate recovery for a sum of Rs.1,22,363/- towards arrears due from the third respondent towards payment of subsistence allowance to the petitioner, as per



the certificate in B2/3877/2014 dated 07.08.2014 issued by the second respondent, thereby implementing the orders of the second respondent dated 24.02.2014 made in P.S.A. No. 13 of 2012 and P.S.A. ;No. 14 of 2012, thereby considering the representation dated 25.08.2014 sent by the petitioner to the first respondent within a time frame as may be fixed by this Honourable Court.

For Appellant	: Mr.M.Jerin Mathew
For R-2 and R-3	: Mr.N.Shanmugaselvam Additional Government Pleader
For R-1	: Mr.G.Aravinthan

J U D G M E N T

[Order of the Court was made by K.RAVICHANDRABAABU, J.]

This writ appeal is directed against the order passed in W.P. (MD)No.19898 of 2014, dated 16.08.2018.

2.The third respondent before the Writ Court is the appellant. The writ petitioner sought for Mandamus directing the first respondent /District Collector, to initiate recovery proceedings to recover a sum of Rs.1,22,363/- (Rupees One Lakh Twenty Two Thousand Three Hundred and Sixty Three only) towards arrears due from the third respondent for payment of Subsistence Allowance to the writ petitioner by way of implementing the order of the second respondent, dated 24.02.2014 made in P.S.A.Nos.13 and 14 of 2012.

3.The writ Court after hearing both sides, disposed of the writ petition by observing that the first respondent is expected to comply with the order for recovering the amount within a period of one month, failing which, the said amount will have to be recovered from the personal funds of the first respondent.

4.When this writ appeal was entertained, this Court while granting interim stay on 01.11.2018, imposed a condition on the appellant to pay a sum of Rs.30,000/- within a period of four weeks. Thereafter, the matter was listed before us, on 24.06.2019, on which date it was represented that the said sum of Rs.30,000/- was already paid. Apart from saying so, the learned counsel for the writ petitioner submitted that the appellant is ready and willing to pay the Subsistence Allowance to the writ petitioner, provided, the appellant is permitted to pay the same in installments. Therefore, this Court, in order to find out the *bona fide* of the appellant,



directed them to pay further sum of Rs.32,000/- on or before 19.07.2019. Accordingly, the matter is listed for further hearing today.

5.The learned counsel appearing for the appellant submitted that the said sum of Rs.32,000/- was also paid to the writ petitioner on 16.07.2019. The learned counsel appearing for the writ petitioner is not disputing the said fact. Therefore, the learned counsel for the appellant submitted that the balance amount of Rs.60,363/- may be permitted to be paid in two installments.

6.Considering the fact that the appellant has come forward to pay the Subsistence Allowance and has already paid a sum of Rs.62,000/- as on today and by further considering the fact that the appellant is willing to pay the balance sum also by way of two installments, this Writ Appeal is disposed of by directing the appellant to pay the balance sum of Rs.60,363/- in two installments, as follows:-

"The first installment of Rs.30,000/- shall be paid on or before 14th August, 2019. The balance sum of Rs.30,363/- shall be paid on or before 13th September, 2019."

No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Office of the District Collector,
Kanyakumari District.

2.The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Tirunelveli.

+1cc to Mr.M.E.ILANGO, Advocate, SR.No. 76833

W.A. (MD) No.1527 of 2018
22.07.2019

RJ2

KK/SAR/23.07.2019/3P-4C

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