

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

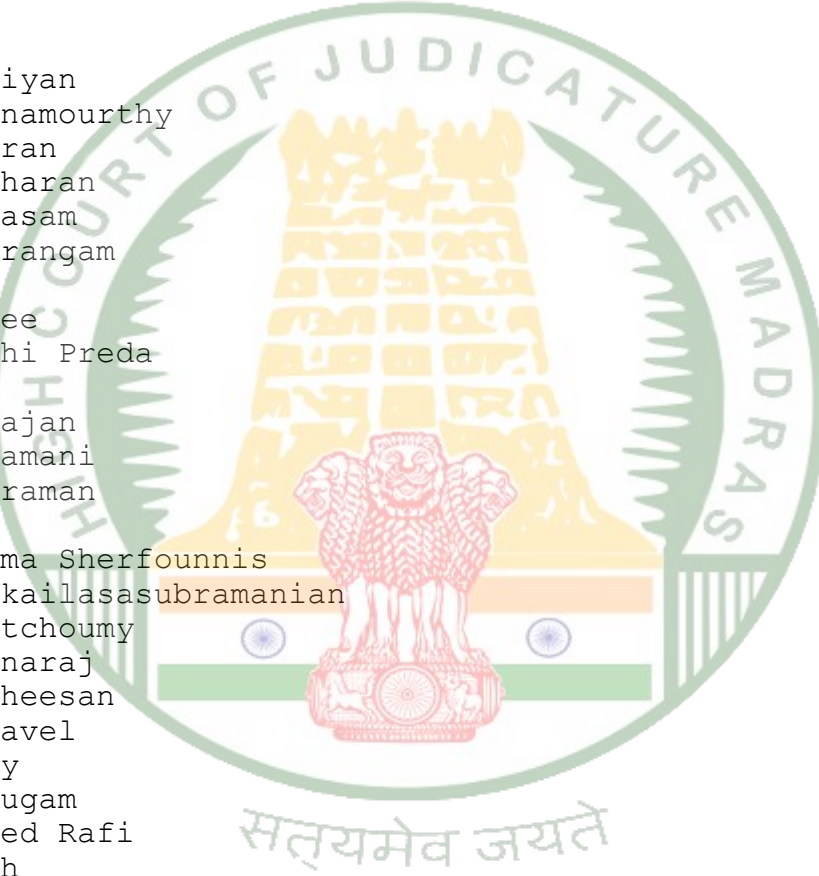
W.P. NO. 19178 OF 2013

AND

M.P. NOS. 1 & 2 OF 2013

W.M.P. NO. 4601 OF 2017

1. D.Murugaiyan
2. A.Narayanamourthy
3. M.Chandiran
4. J.Rudhrahaman
5. C.N.Pragasam
6. K.Mohanarangam
7. E.Raman
8. M.Rajaebee
9. K.Jayanthi Preda
10. Selvi
11. S.Rajarajan
12. M.Thangamani
13. K.Muthuraman
14. C.Radha
15. A.Fathima Sherfounnis
16. M.Selvakailasasubramanian
17. M.Jealatchoumy
18. T.Krishnaraj
19. K.Jagatheesan
20. S.Kumaravel
21. S.Candhy
22. C.Shanmugam
23. Y.Mohamed Rafi
24. R.Ramesh
25. U.Madavadasse
26. S.Sundar
27. M.Ramamurthy
28. P.Murugan
29. J.Selvanathan
30. T.Abimanyu
31. R.Vidjy
32. R.Adigamane
33. R.Velavan
34. Y.Shakilahmed
35. P.Sadasivam
36. B.Viswanathan



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37. M.Ezhumalai
38. S.Selvam
39. R.Razou
40. R.Suresh Babu
41. Tharani Rajan
42. R.Poubalane
43. R.Ramalingam
44. V.Ramamurthy
45. R.Murthy
46. M.Pandian
47. M.Mogane
48. R.Anandharaz

.. Petitioners

- Vs -

1. Pondicherry Agro Services Industries Corporation Ltd., rep. By its Managing Director, Pondicherry.
2. Director
Agricultural Department
Pondicherry.
3. Secretary to Government for
Agricultural Department
Pondicherry.
4. Chief Secretary to Government
Chief Secretariat, Puducherry.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to pay the monthly wages of the employees of the 1st respondent corporation regularly.

For Petitioners: Mr. V.Ajaykumar

For Respondents: Mr. S.Ashok Kumar for R-1
Mr.Stalin Abhimanyu, GA (Pondy)
for RR-2 to 4

ORDER

It is the case of the petitioners that they are employees of the 1st respondent. The 1st respondent Corporation, till 2007 was functioning properly, however at that point of time, political appointment for the post of Chairman resulted in grave loss to the Corporation. Till such time, the employees were receiving their salary and other benefits regularly. However,

indiscriminate back door appointments resulted in loss to the 1st respondent and against the said back door entry, writ petition was filed before this Court and an undertaking was given by the 1st respondent that such of the back door appointees will not be regularised and, accordingly, more than thousand back door appointees were terminated from service. Due to the exorbitant loss suffered by the 1st respondent from 2007 to 2011, the Management stopped payment of salaries to the regular employees from July, 2011 to March, 2012 and January, 2013 to May, 2013. Due to the act of the 1st respondent, the petitioners and their families are starving and they are unable to eke out their daily living and finding difficult to make both ends meet. The 6th Pay Commission benefit was also not given to the employees. Though the 1st respondent is deducting the dues like LIC, Provident Fund and other loans from the salary of the employees, however, the same is not being paid to the said authorities. In the above scenario, left with no other alternative, the petitioners have filed the present petition for a direction to the 1st respondent to pay the amounts to which they are entitled.

2. Though very many grounds have been raised in the writ petition alleging about the mismanagement of the 1st respondent Corporation and criminal misappropriation of funds, however, when the matter is taken up for hearing, learned counsel appearing for the petitioners submitted that the petitioners are suffering even for their daily bread and butter and are suffering immensely and, at this point, if this Court directs the 1st respondent to pay the petitioners the salary to which they are lawfully entitled, it would suffice. It is further represented that the said payments be directed to be made within a time frame fixed by this Court.

3. On the above contentions, this Court heard the learned counsel appearing for the respondents, who, while initially made objections to the grant of the relief as sought for, however, accepted that the respondents would pay the undisputed amounts to the petitioners within the time frame that is fixed by this Court.

4. In such view of the matter, without going into the merits of the issue, as the livelihood of the petitioners is at stake, this Court directs the respondents to pay the undisputed amounts to the petitioners within a period of three months from the date of receipt of a copy of this order. Insofar as any other amounts are concerned, it is open to the petitioners to work out their remedies in a manner known to law.

5. This writ petition is disposed of with the aforesaid observations and directions. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

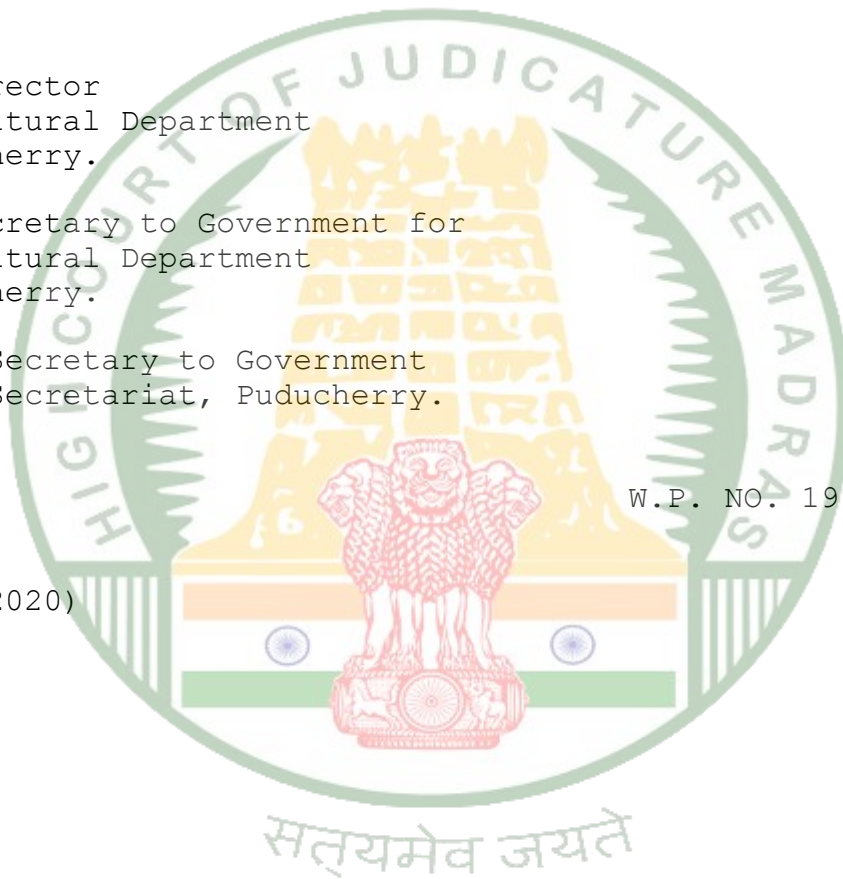
GLN

To

1. The Director
Agricultural Department
Pondicherry.
2. The Secretary to Government for
Agricultural Department
Pondicherry.
3. Chief Secretary to Government
Chief Secretariat, Puducherry.

W.P. NO. 19178 OF 2013

CP(CO)
SP(29/09/2020)



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