

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.19203 of 2019

K.Sundararaj
S/o.Kaliyaperumal

... Petitioner

vs.

1.The Collector
Krishnagiri - 635 001.

2.The Tahsildar
Taluk Office
Hosur Taluk, Dharmapuri District.

3.The Management of Kottal Packages
13, SIDCO Industrial Estate, Hosur
Krishnagiri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents 1 & 2 to recover the dues of Rs.4,37,875/- payable by the 3rd respondent to the petitioner as per the order of this Court dated 14.11.2005 made in W.P.No.36329 of 2005 with interest @ 24% p.a.

For Petitioner : Mrs.R.Poornima

For Respondents : Mr.A.Kumar
Additional Advocate General
assisted by
Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

This writ petition is filed seeking for mandamus directing the respondents to recover the dues of Rs.4,37,875/- payable by the third respondent to the petitioner as per the order dated 14.11.2005 made in W.P.No.36329 of 2005 along with interest @ 24% p.a.

2. After notice, this matter was taken up for hearing on several occasions. On 17.12.2019, this Court passed the following interim order:

"This Writ Petition is filed for a Mandamus directing the respondents 1 and 2 to recover the dues of Rs.4,37,875/- payable by the 3rd respondent as per the orders passed by this Court in W.P.No.36329/2005 dated 14.11.2005.

2. The petitioner was employed in the 3rd respondent Company. He was terminated from service. He challenged the said termination in I.D.No.376 of 1998. The Industrial Tribunal passed an award on 02.01.2001 for reinstatement with backwages. The petitioner preferred claim petition before the Labour Court, Salem, under Section 33C(2) seeking for computation of monetary value. The Labour Court passed an order directing the management to pay a sum of Rs.4,37,875/- with 9% interest. The 3rd respondent Company did not pay the said sum. Thus, the petitioner made an application before the Government seeking to issue recovery certificate. The Government issued G.O.(D).1542 dated 29.12.2004 directing the first respondent to recover the amount. Since no steps have been taken to recover the amount, the petitioner filed W.P.No.36329/2005. This Court, by order dated 14.11.2005, directed the first respondent to take steps to recover the amount due to the petitioner as per the recovery certificate in G.O.(D).1542 dated 29.12.2004 within a period of four weeks. Even after the said order, the respondents 1 and 2 have not taken steps to recover the amount. Therefore, the present writ petition with the relief as stated supra.

3. After notice, the matter was taken up on three occasions earlier and got adjourned. Today, the matter is listed for further hearing.

4. Learned Additional Government Pleader submitted that the 2nd respondent Tahsildar has instructed him that at present, there is no Company by name Kottal Package at SIDCO Industrial Estate, Hosur and therefore, the respondents 1 and 2 are not in a position to

recover the dues from the 3rd respondent Company.

5. I fail to understand as to how the respondents 1 and 2 are justified in contending that they are not in a position to recover the dues from the 3rd respondent Company on the reason that at present, there is no such Company at the said Industrial Estate, especially, when this Court has passed the order in W.P.No.36329/2005 as early as on 14.11.2005. It is not known as to why these respondents 1 and 2 kept quiet for 14 years even after the said order. Now, they say that at present, no Company by name Kottal Package is available. I am not in a position to either appreciate or accept the contentions raised by the respondents 1 and 2. It is apparent that the petitioner, even after succeeding before the Labour Court, is not allowed to see the colour of the coin for the past 15 years. Therefore, the respondents 1 and 2 shall personally be present before this Court on 06.01.2020 and explain as to why they have not taken any steps to recover the dues from the 3rd respondent Company, even though this Court passed an order in the Writ Petition as early as on 14.11.2005 as stated supra.

6. Post the matter on 06.01.2020 for the appearance of respondents 1 and 2."

3. Again, the matter was listed on 06.01.2020, on which day, the learned Additional Advocate General appearing for the respondents 1 & 2 submitted that the principal amount of Rs.4,37,875/- was recovered. He also produced Demand Draft No.632168 dated 26.12.2019 for the said sum drawn in favour of the petitioner. He further submitted that the interest portion will also be recovered on or before 20.01.2020. After recording the above said submission, this Court directed the petitioner to receive the said Demand Draft for a sum of Rs.4,37,875/- and the learned counsel for the petitioner received and acknowledged the receipt of the same. Accordingly, this Court adjourned the matter to 22.01.2020 for reporting full compliance.

4. Thus, the matter is listed today for reporting full compliance. The learned Additional Advocate General submitted that the interest portion of a sum of Rs.8,27,583/- is also recovered from the existing company viz., G.K.M. Metal Finishers. He also produced Demand Draft bearing No.632262 dated 14.01.2020 drawn in the name of the petitioner. The said Demand Draft is received by the learned counsel for the petitioner.

5. Considering the above stated facts and circumstances and in view of the payment made to the petitioner as sought for in this writ petition, no further order is necessary in this writ petition. Recording the above facts and circumstances, this Writ Petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1.The Collector
Krishnagiri - 635 001.

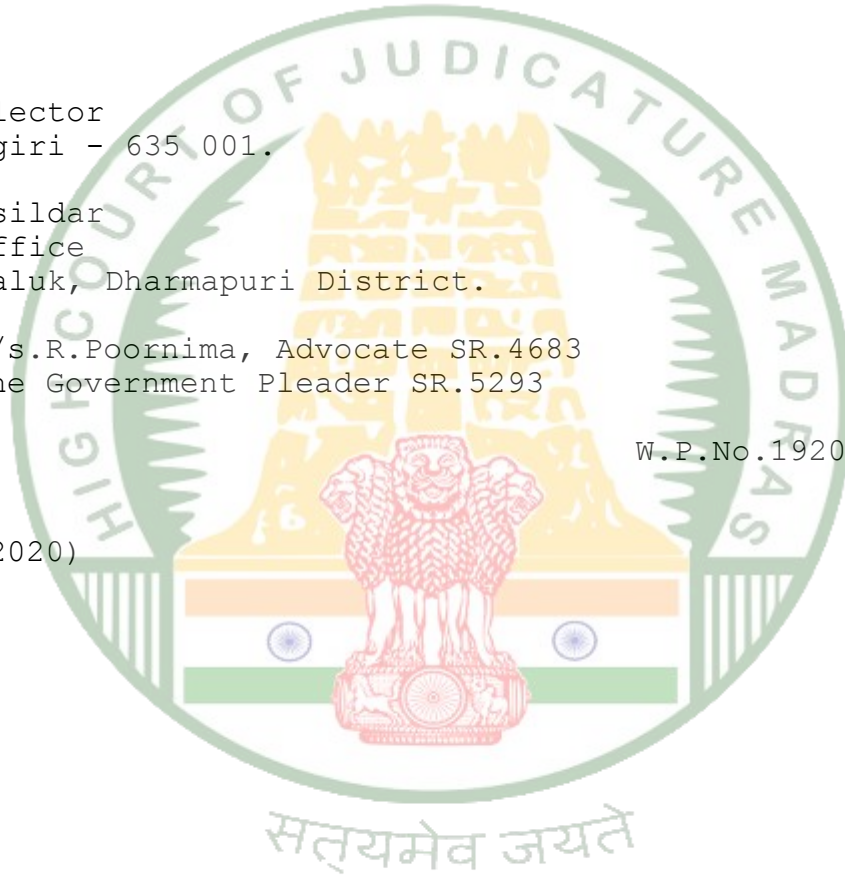
2.The Tahsildar
Taluk Office
Hosur Taluk, Dharmapuri District.

+1cc to M/s.R.Poornima, Advocate SR.4683

+1cc to the Government Pleader SR.5293

W.P.No.19203 of 2019

MP (CO)
CB (13/02/2020)



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