

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5114 of 2021

P.Nagarajan

... Petitioner

-vs-

1. The Managing Director,
Puducherry Agro Service and Industries Corporation Limited
(PASIC),
Government of Puducherry Undertaking,
Agro House, Thattanchavady,
Puducherry.
2. The Secretary (Agriculture) - cum - Chairman PASIC,
Government of Puducherry,
Chief Secretariat, Puducherry. ... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents consider the representations dated 21.12.2015, 22.04.2017, 30.04.2018, 15.05.2018 and 18.12.2019 submitted by the petitioner, thereby direct the respondent to disburse arrears of salary / wages payable to the petitioner for 18 months during the year 2011- 2012 and 2013-2014 i.e, from July 2011 to March-2012 and July-2013 to march-2014, with reasonable interest as this Honble court may deem fit and proper in the facts and circumstances of the Case and also direct the respondent to pay contribution to the Employees provident Organization (EPF) for the said period and thus render justice.

For Petitioner : Mr.Prakash Adiapadam
for Vaikunth

For Respondents : Mr.Stalin Abhimanyu
Govt. Advocate (P)

ORDER

The petitioner has filed this writ petition seeking a direction to the respondents consider the representations dated 21.12.2015, 22.04.2017, 30.04.2018, 15.05.2018 and 18.12.2019 submitted by the petitioner, thereby direct the respondents to disburse arrears of salary / wages payable to the petitioner for

18 months during the year 2011- 2012 and 2013-2014 i.e, from July 2011 to March-2012 and July-2013 to march-2014, with interest and also direct the respondents to pay contribution to the Employees provident Organization (EPF) for the said period and thus render justice.

2. Mr.Stalin Abhimanyu, learned Government Advocate (P) takes notice for the Respondents. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was appointed as Daily Rated Employee in the year 2004 in Puducherry Agro Service and Industries Corporation Limited (in short 'PASIC') and later on, he was engaged as Full Time Casual Labourer. It is the case of the petitioner that the 1st respondent issued a communication on 28.06.2018, stating that due to severe financial crisis, the wages payable to the employees could not be paid for 18 months from July, 2011 till March, 2014 and EPF contributions in respect of the employees were also not deposited with the EPF Department on account of stoppage of physical contribution, as the amount has to be deposited only through online. Though he made several representations on 21.12.2015, 22.04.2017, 30.04.2018, 15.05.2018 and 18.12.2019 for disbursement of arrears of wages with reasonable interest, there was no response on the said representations, which forced him to file the present Writ Petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representations, the last one of which was submitted on 18.12.2019, are already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representations of the petitioner, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of all the representations and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representations, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Managing Director,
Puducherry Agro Service and Industries Corporation Limited
(PASIC),
Government of Puducherry Undertaking,
Agro House, Thattanchavady,
Puducherry.

2. The Secretary (Agriculture) - cum - Chairman PASIC,
Government of Puducherry,
Chief Secretariat, Puducherry.

+1 cc to Mr.M. Vaikunth, Advocate, SR.No.14383

+1 cc to Government Pleader, Puducherry, SR.No.14603

W.P.No.5114 of 2021

PCH (CO)
NS (04/05/2021)