



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.14223 OF 2020

Krishnamoorthy

... Petitioner

Vs

1. The General Manager,
TIIC Ltd, M.H.U Complex,
No.692, Annasalai, Nandanam,
Chennai District.
2. The Branch Manager,
TIIC Ltd, Dharmapuri Branch,
Dharmapuri District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to pay the salary dues for the period from September 2018 to January 2020, amounting a sum of Rs.8,43,000/- with interest at the rate of 12% per annum to the petitioner.

For Petitioner : Mr.V.Sakkarapani

For R1 & R2 : Mr.K.Mahesh

O R D E R

Heard both sides and perused the materials available on record.

2.The prayer made in this writ petition is to direct the respondents to pay salary due to the petitioner for the period from September 2018 to January 2020, amounting to a sum of Rs.8,43,000/- with interest at 12% per annum to him.

3.Upon notice, the respondents filed a detailed counter affidavit, inter alia stating that the security agency was paid salary / wages regularly till August 2018 and the same was withheld from September 2018, in view of the theft that took place in the factory premises of M/s.S.R.Cartons India Pvt. Ltd



and the service of the petitioner as security agency was terminated with effect from 01.01.2020. It is further averred therein that the theft has happened during the watch and ward duty of the petitioner's employee and the release of pending salary may be considered on retrieval of stolen machinery and the said fact was also intimated to the petitioner vide letter dated 12.08.2020; and if the petitioner is entitled to anything, he has to file a suit for recovery.

4. In view of the averments so made in the counter affidavit filed by the respondents, this Court is of the opinion that the present writ petition filed by the petitioner is not maintainable. Hence, liberty is granted to the petitioner to approach the forum concerned for appropriate relief. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The General Manager,
TIIC Ltd, M.H.U Complex,
No.692, Annasalai, Nandanam,
Chennai District.
2. The Branch Manager,
TIIC Ltd, Dharmapuri Branch,
Dharmapuri District.

+1cc to Mr.K.Mahesh, Advocate, S.R.No.33146

W.P.No.14223 of 2020

PMK(CO)
CS/13/08/2021