

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.Nos.1737 of 2017 & 25982 of 2016
and
W.M.P.No.1705 of 2017

The Management of the Vellore District
Co-operative Spinning Mills,
Rep.by its Liquidator,
Ariyur, Vellore - 632 055. Petitioner in W.P.No.1737/2017

1.G.Nilavarasu
2.A.Neelakandan
3.G.Anbarasu
4.V.Shanmugam
5.N.Palani
6.R.Venkatesan
7.A.Joseph Raj
8.M.Senbagavalli
9.S.K.Subramani
10.Logaiyan
11.P.Padma
12.R.Senthilvelan
13.K.Vasanthi
14.Tmt.S.Vijayalakshmi
15.N.Purushothaman
16.C.V.Indra Mohan
17.I.Jesudoss

...Petitioners in W.P.No.25982/2016

Vs.

1.G.Nilavarasu
2.A.Neelakandan
3.G.Anbarasu
4.V.Shanmugam
5.N.Palani
6.R.Venkatesan
7.A.Joseph Raj
8.M.Senbagavalli
9.S.K.Subramani
10.Logaiyan
11.J.Surya
12.P.Padma
13.R.Senthil Velan

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14.K.Vasanthi

15.Deputy Commissioner of Labour -1,
Chennai - 600 006.

16.The Director,
The Handlooms and Textiles Department,
Kuralagam, Chennai - 600 108.

17.The District Collector,
Vellore District, Vellore. ... Respondents in
W.P.No.1737/2017

1.The District Collector,
Vellore.

2.Administrator / Assistant Director,
Handloom and Textiles Department,
North District Co-operative Spinning Mills,
Vellore, Vellore District.

3.The Director,
Handloom and Textiles Department,
Kuralagam, Chennai. ...Respondents in W.P.No.25982/2016

PRAYER in W.P.No.1737 of 2017: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the passing of the order in P.W.Case No.1/10 to 11/10 and P.W.Case No.1/11, 2/11, P.W.Case No.1/13 dated 22.04.2013 on the file of the Deputy Commissioner, Labour, Chennai -6, and quash the same.

PRAYER in W.P.No.25982 of 2016: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to take appropriate steps to collect the amount as per recovery certificate A2/57/2011 dated 28.01.2011, A2/10156/2010 dated .02.2011, Na.Ka.No.A2/1266 /11 dated 07.07.2011, Na.ka.No.A2/9807 dated 08.07.2011 and Na.Ka.No.2336 / dated 30.11.2015, from the 2nd respondent and pay it to the petitioners without further delay.

In W.P.No.1737/2017:

For Petitioner : Mr.L.P.Shanmugasundaram,
Special Government Pleader

For Respondents :M/s.S.T.Varadarajulu, for R1 to R14

M/s.Thangavadhana Balakrishnan,
Additional Government Pleader for R15 to R17

In W.P.No.25982/2016:

For Petitioners : M/s.S.T.Varadarajulu

For Respondents : M/s.Thangavadhana Balakrishnan,
Additional Government Pleader
for R1 & R3
Mr.L.P.Shanmugasundaram,
Special Government Pleader for R2

COMMON ORDER

The learned counsel appearing for the respondents would submit that the writ petitioners have approached this Court without exhausting the remedy available under the Act.

2. As per Section 17 of the Payment of Wages Act, 1936 there is an appeal remedy available to the petitioners and without exhausting the appeal remedy, the writ petitions are not maintainable.

3. Considering the facts and circumstances of the case, the liberty is granted to the petitioners to approach the Appellate Authority within a period of four weeks from the date of receipt of a copy of this order. On such appeal being presented, a further direction is given to the Appellate Authority to dispose of the appeal, as expeditiously as possible, not later than six months by affording opportunity to all the parties.

4. The respondents have filed a writ petition in W.P.No.25982 of 2016 seeking for enforcement of order. It is made clear that in the event of the writ petitioner Society failed to present the appeal within the time limit fixed by this Court, the respondents are entitled to enforce the order of the Controlling Authority and the first respondent in W.P.No.25982 of 2016 shall execute the order in accordance with law.

5. These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub-Assistant Registrar

Pns

To

1. Deputy Commissioner of Labour -1,
Chennai - 600 006.

2. The Director,
The Handlooms and Textiles Department,
Kuralagam, Chennai - 600 108.

3. The District Collector,
Vellore District, Vellore.

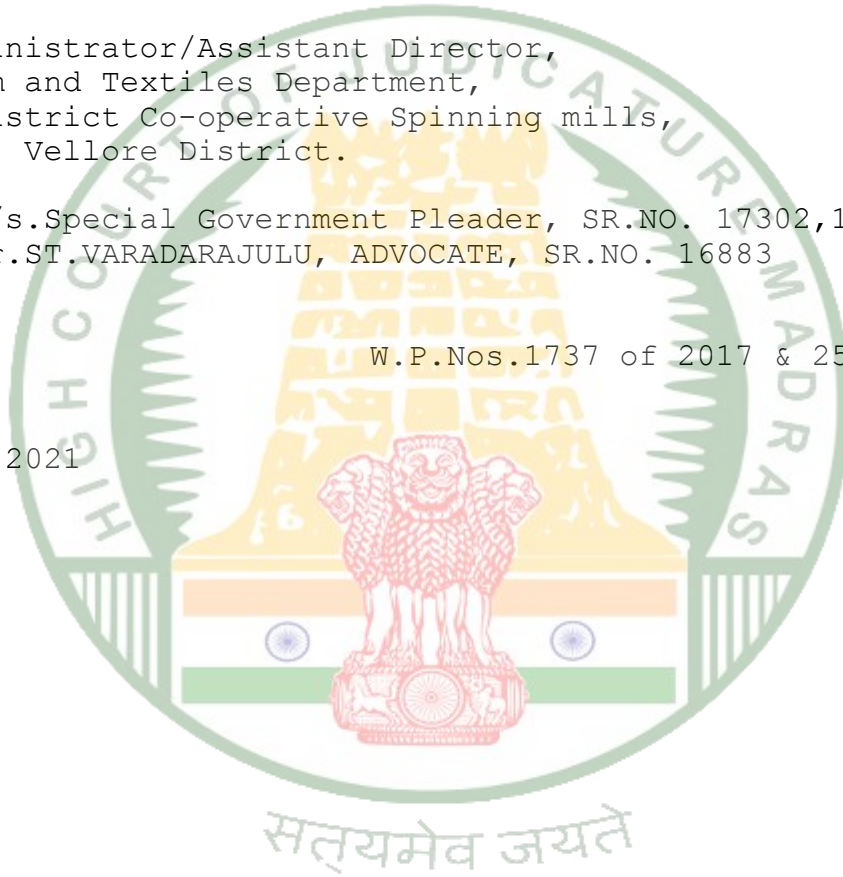
4. The Administrator/Assistant Director,
Handloom and Textiles Department,
North District Co-operative Spinning mills,
Vellore, Vellore District.

+1cc to M/s. Special Government Pleader, SR.NO. 17302, 17303

+1cc to Mr. ST. VARADARAJULU, ADVOCATE, SR.NO. 16883

W.P.Nos. 1737 of 2017 & 25982 of 2016

GP(CO)
KKN 16.04.2021



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