



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

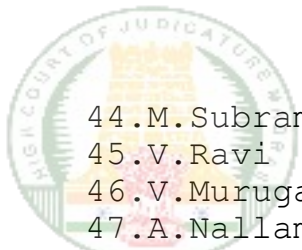
W.P (MD) No.12094 of 2010

and

M.P (MD) Nos.1 and 2 of 2013

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- 1.S.M.Ganesan
- 2.S.Selvaraj
- 3.M.Asaithambi
- 4.G.Ramesh
- 5.M.Sebasthiyan
- 6.A.Subramaniyan
- 7.T.Muruganantham
- 8.G.Nagarajan
- 9.A.Rabel Savarimuthu
- 10.S.Mani
- 11.K.R.Murugesan
- 12.R.Krishnan
- 13.S.Anthony
- 14.M.Joseph
- 15.M.P.Kannan
- 16.L.Prabhakaran
- 17.R.Chidambaram
- 18.S.Muneeswaran
- 19.P.Sekar
- 20.M.Suresh
- 21.L.Sunder
- 22.C.Singaram
- 23.M.Kumar
- 24.A.Marimuthu
- 25.A.Balkarasu
- 26.S.Arulanandhasami
- 27.Sundharaj
- 28.R.Murugan
- 29.M.Kalidhas
- 30.T.Jesudhas
- 31.V.Chinnaiah
- 32.V.Pandian
- 33.R.Mohan
- 34.R.Marimuthu
- 35.M.Kannan
- 36.K.Aruchunan
- 37.L.Veerapandian
- 38.A.Lakshmanan
- 39.K.Rajan
- 40.M.Jeyakumar
- 41.P.Rajangam
- 42.K.C.Nagarasu
- 43.P.Shanmugam



44.M.Subramanian
45.V.Ravi
46.V.Murugan
47.A.Nallamuthu
48.V.Ramu
49.Thirunavukarasu
50.A.Ramamoorthy
51.N.Selvam
52.S.Saravanan
53.R.Udaiyar
54.G.Baluchamy
55.C.Marimuthu
56.P.Kannan
57.A.Kumar
58.T.Anandharaj
59.P.Jesu Arokiyam
60.K.Ramamoorthy
61.S.Raja
62.K.Arumugam
63.P.Regunathan

... Petitioners

Vs.

1.The District Collector,
Sivagangai District,
Collectorate,
Sivagangai.

2.The Deputy Commissioner of Labour,
(The Authority under the Payment of Wages Act, 1936)
Madurai.

3.The Management of square D Textiles & Exports Ltd,
(Pillaiyarpattiyar Textile Mills Ltd),
No.5, Udhayanathapuram Cross,
Kandavarayanpatti Road,
Thirupatthur Road,
Sivagangai District.

4.The Management of
V.M.R.Textiles Private Limited,
No.5, Udhayanathapuram Cross,
Kandavarayanpatti Road,
Thirupatthur Road,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus, directing the 1st respondent to recover the amount as determined by the 2nd respondent in his order dated 02.07.2008 in P.W.C.Nos.2/08, 4/08 to 65/ 08 with interest of 12% P.A. From the 3rd and 4th respondents within a period of time as may be fixed by this Court and to pay the same to the petitioners.



For Petitioners	:	Mr.S.Arunachalam
For Respondent	:	Mr.D.Muruganantham
No.1		Additional Government Pleader
For Respondent	:	Mr.P.Thiyagarajan
No.4		

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ORDER

This writ petition has been filed seeking a direction to the 1st respondent to recover the amount as determined by the 2nd respondent in his order dated 02.07.2008 in P.W.C.Nos.2/08, 4/08 to 65/ 08 with interest of 12% P.A. from the 3rd and 4th respondents within a period of time as may be fixed by this Court and to pay the same to the petitioners.

2.The case of the petitioners is that the petitioners are the permanent workers under the Textile Mills of the 3rd respondent and they have been continuously working under the 3rd respondent for so many years. While so, the 3rd respondent pressurised all the workers including the petitioners to settle their accounts and to go away from the service by receiving the amounts which, the 3rd respondent was willing to pay. However, the workers did not accept the same. Thereafter, the 3rd respondent suddenly, stopped the production of the Mills and denied work to the workers without even issuing notice to them.

3.Further the 3rd respondent did not comply with the provisions of the Industrial Disputes Act, 1947 before denying work to them. The 3rd respondent could not deny wages to the workers, who were ready to work. But they were not allowed to work by the 3rd respondent. Therefore, the third respondent is duty bound to pay the full wages to the workers under the provisions of the I.D.Act, 1947.

4.Since the 3rd respondent did not pay wages to the petitioners, they approached the 2nd respondent and filed the petitions under Section 15 of the Payment of Wages Act, 1936 in P.W.C.Nos. 2, 4 to 65 of 2008 and notice was issued to the 3rd respondent, but the 3rd respondent did not attend the enquiry before the 2nd respondent. Therefore, the 3rd respondent was set ex-parte and the enquiry was conducted by the 2nd respondent and based on the enquiry the 2nd respondent passed a common order dated 02.06.2008 determining the wages payable to the petitioners by the 3rd respondent for the period from December 2007 to March 2008. However, the 3rd respondent filed an I.A.Nos. 1 of 2008 to 63 of 2008, which were dismissed by the 2nd respondent. Therefore, the order of the 2nd respondent has become final and the 3rd respondent is duty bound to pay the wages. However, the 3rd respondent did not pay the wages.

5.Subsequently, the 2nd respondent issued notice to the 3rd respondent asking to state the reason as to why the amount ordered



to be paid vide his order dated 02.07.2008, but the 3rd respondent did not give any reply. The 2nd respondent thereafter, issued certificates to the 1st respondent on 23.10.2009 to recover the wages payable to the petitioners from the 3rd respondent under the Revenue Recovery Act. Thereafter, the 2nd respondent issued certificates/ letters to the 1st respondent to collect the amount under the Revenue Recovery Act. Till date no action has been taken by the 1st respondent and therefore, the petitioners are before this Court.

6.The learned Counsel appearing for the petitioners would submit that based on the order passed under the provisions of the Payment of Wages Act, the 3rd respondent has to pay the wages due to the petitioners. However, the 3rd respondent failed to pay the amount and thereby, the 2nd respondent issued certificates to the 1st respondent to collect the amount under the Revenue Recovery Act and the statutory duty is cast upon the 1st respondent to collect the amount under the Revenue Recovery Act, payable to the petitioners.

7.The learned Counsel further submitted that the inaction on the part of the 1st respondent has to be viewed seriously and this Court may direct the 1st respondent to recover the said wages by fixing an outer time limit. The learned Additional Government Pleader has no serious objection to this direction.

8.The learned Counsel appearing for the 4th respondent would submit that the property stood in the name of the 3rd respondent has been purchased by the 4th respondent under the SARFEASI Act, the 4th respondent is willing to pay the legal liability of the holder of the property purchased under the SARFEASI Act.

9.Heard the learned Counsel on either side and perused the materials placed on record.

10.The facts of the present case are not disputed. Admittedly there is a order passed by the second respondent in P.W.C.Nos. 2, 4 to 65 of 2008 on 02.06.2008 under the Payment of Wages Act, directing the 3rd respondent to pay the wages to the petitioners. Since the 3rd respondent has not paid the wages as directed by the 2nd respondent, the 2nd respondent has issued certificates to the 1st respondent to recover the amount from the 3rd respondent under the Revenue Recovery Act.

11.This Court is of the view that it is the duty cast upon the 1st respondent to take action under the Revenue Recovery Act as per the certificates issued by the 2nd respondent and in view of the submission made on behalf of the 4th respondent is ready to deposit the legal liability of the holder of the property, this Court directs the 1st respondent to recover the amount by initiating proceedings under the Revenue Recovery Act based on the certificates issued by the 2nd respondent within a period of six months from the date of a copy of this order. Accordingly, the writ



petition is disposed of No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

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Sub Assistant Registrar(CS)

To:-

1.The District Collector,
Sivagangai District,
Collectorate,
Sivagangai.

2.The Deputy Commissioner of Labour,
(The Authority under the Payment of Wages Act, 1936)
Madurai.

+1 CC to M/s.P.THIYAGARAJAN, Advocate (SR-4142[F] dated
10/02/2021)

+1 CC to M/s.SPL GP (SR-4253[F] dated 10/02/2021)

W.P (MD) No.12094 of 2010
09.02.2021

ES (CO)
KB (23.02.2021) 5P 5C