



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No. 9582 of 2021

WEB COPY

A. Raja

... Petitioner

Vs.

1. The Chief General Officer,
BSNL, Greems Road,
Chennai.

2.The General Manager (Telecom),
O/o. the General Manager,
BSNL, Trichy SSA, Trichy.

3.The General Manager (Telecom),
O/o. the General Manager,
BSNL Tuticorin SSA, Tuticorin.

4.The General Manager (Telecom),
O/o. the General Manager, BSNL Erode SSA,
Erode.

5.The General Manager (Telecom),
O/o. the General Manager, BSNL, Salem SSA,
Salem.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the representations dated 03.01.2020, 23.10.2020 and 12.04.2021 and to release the petitioner's arrears balance amount of Rs.4,43,04,354/- (Rupees Four Crores Forty Three Lakhs Four Thousand, Three Hundred and Fifty Four only) for his service laborers of the 5th respondent M/s.BSNL office as per bill dated 14.08.2019 to 12.04.2021 and to till date of the petitioner as precondition as per similar orders of the Hon'ble Madras High Court, Madurai Bench Madurai in WP(MD).Nos. 10381 and 10382 of 2020 dated 16.12.2020.

For Petitioner : Mr.R. Rajagopal

For Respondents : Mr. Shanmugaraja Sethupathi
Standing Counsel



ORDER

Mr. Shanmugaraja Sethupathi, learned Standing Counsel appearing for BSNL, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the representations of the petitioner dated 03.01.2020, 23.10.2020 and 12.04.2021 and to release his arrears balance amount of Rs. 4,43,04,354/- (Rupees Four Crores Forty Three Lakhs Four Thousand, Three Hundred and Fifty Four only) for his service laborers of the 5th respondent as per bills dated 14.08.2019 to 12.04.2021 and to till date of the petitioner as precondition as per similar orders of the Hon'ble Madras High Court, Madurai Bench Madurai in WP(MD). Nos. 10381 and 10382 of 2020 dated 16.12.2020.

4. According to the petitioner, the respondents are liable to pay a sum of Rs.4,43,04,354/- towards labour charges. The amount claimed by the petitioner with the respondents is only towards the labour charges and after receipt of the said amount, the same will be disbursed to the labourers, which is due from the side of the petitioner. Since the matter is relating to labour and as a representative of the labourer, the petitioner has filed the present Writ Petition and unless and until if the amount is not paid, the petitioner cannot clear the arrears to their labourers including EPF. In such circumstances, the petitioner has sent a representations dated 03.01.2020, 23.10.2020 and 12.04.2021, to the respondents but, the same has not been considered so far. Hence, the petitioner has come forward with the present Writ Petition.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the representation of the petitioner.

6. The learned standing counsel for the respondents would state that the representations of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioners dated 03.01.2020, 23.10.2020 and 12.04.2021 on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order



8. With the above direction, the writ petition is disposed of.
No Costs.

Sd/-

Assistant Registrar

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/ /2021

Sub Assistant Registrar(CS)

trp

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Chief General Officer,
BSNL, Greens Road,
Chennai.

2.The General Manager (Telecom),
O/o. the General Manager,
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Erode.

5.The General Manager (Telecom),
O/o. the General Manager, BSNL, Salem SSA,
Salem.

+2 CC to M/s.DR R.RAJAGOPAL, Advocate (SR-18802[F] dated 04/06/2021)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-18879[F] dated 07/06/2021)

W.P (MD) No. 9582 of 2021

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