



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.11.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.849 of 2018

and

W.M.P. (MD)No.895 of 2018

WEB COPY

S.Nehru

...Petitioner

/Vs./

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Department of Labour and Employment,
Fort St.George,
Chennai - 600 009.

2.The Labour Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Assistant General Manager,
IFCI Limited,
Continental Chambers,
142, Mahatma Gandhi Road,
Post Box No.3318,
Chennai - 600 034.

4.The Managing Director,
VMR Textiles,
Udayanathapuram,
Sivagangai District.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified mandamus, to call for the records in connection with the impugned order passed by the 1st respondent in G.O.(D).No.63 Labour and Employment (P1) Department dated 20.02.2013, quash the same as illegal and consequently directing the respondents 1 to 4 herein to disburse the arrears of salary from 14.04.2010 to March 2017 along with statutory deductions such as EPF, Gratuity and disburse the same along with 12% interest per annum to the members of the petitioner's trade union within a stipulated time.

For Petitioner : Mr.S.Bharathy Kannan
For R1 & R2 : Mr.V.Om Prakash
Government Advocate
For R3 : Mr.K.Muraleedharan
For R4 : Mr.P.Thiagarajan

**ORDER**

The petitioner's prayer for a Writ of Certiorarified Mandamus, calling for and quashing G.O.(D).No.63 Labour and Employment (P1) Department dated 20.02.2013 is not liable to be entertained for several reasons.

2.First of all, the writ petition has been filed only in 2018, after a lapse of five years from passing of the impugned GO and there is no justification put forth for the delay in approaching the Court. Then, again, the erstwhile employer of the petitioner, Pillaiyarpattiyar Textiles Limited, (company) was subject to auction in terms of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) r/w. Rule 9(6) of the Security Interest (Enforcement) Rules, 2002 and the assets of the company were purchased in auction conducted on 16.04.2010 by the fourth respondent entity. There is no cause of action made out as far as R4 is concerned.

3.Much water has flown under the bridge from 2013 till date and no case has been made out to justify intervention in the impugned GO, I thus see no reason to entertain this writ petition and dismiss the same.

4.As regards the prayer of the petitioner for disbursal of arrears of salary along with statutory deductions, learned counsel for the petitioner would himself fairly state that the petitioner, along with other co-workers in the company are before the Labour Court, Madurai seeking redressal in this regard. Let this be pursued by the members of the petitioner union.

5.Learned counsel for the petitioner would contend that while some of the members of the petitioner are employed with R4 company, the company is making payments after deduction of Employees' Provident Fund Contribution, without depositing the same into the treasury. Learned counsel for R4 vehemently denies this allegation.

6.Being a factual dispute, I grant liberty to the petitioner to approach the company for redressal in this regard and any representation, if and when made by the petitioner, will be considered and disposed in accordance with law, by R4. No costs. Consequently, connected Miscellaneous Petition is closed.

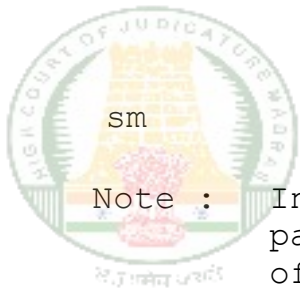
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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.

WEB COPY

To

1.The Secretary to Government,
Department of Labour and Employment,
Fort St.George,
Chennai - 600 009.

2.The Labour Officer,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-34744[F] dated 17/11/2021)

+1 CC to M/s.S. BHARATHY KANNAN, Advocate (SR-35074[F] dated 18/11/2021)

+1 CC to M/s.P. THIYAGARJAN, Advocate (SR-35080[F] dated 18/11/2021)

W.P. (MD) No. 849 of 2018
16.11.2021

=RD(02.12.2021) 3P 6C