



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.16798 of 2013

The Secretary,
Tamil Manila Telecom Contract
Labour Union,
BSNL, Cuddalore,
Cuddalore District,
Rep. by its District Secretary
S.Anandhan

...Petitioner

Vs

1.The Assistant Labour
Commissioner (Central),
DA-2, BSNL Staff Quarters,
Jayanagar, Reddiar Palayam Post,
Puducherry - 10.

2.The General Manager,
BSNL Cuddalore.

3.M/s.Innovative Secuiry Solutions
SHRISHTI,
Rep. by its Manager,
No.3-C/2, HMM Plaza,
56, G.N.Chetty Road,
T.Nagar, Chennai - 17.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 to comply with the directions of the 1st respondent issued on 13.05.2013 in No.95/1/13/PDY to restore the normal practice in payment of the wages.

For Petitioner : No Appearance

For R2 : Mr.L.Swaminathan

For R1 & R3 : No Appearance



ORDER

The petitioner herein had given a representation to the first respondent on 13.05.2013 seeking for a direction to be issued to the second and third respondents to restore the normal practice in payment of wages to their workers. On the same day, i.e. 13.05.2013, the first respondent had passed an order directing the second and third respondents to make the payments. Since the same has not been complied by the respondents till date, the present writ petition has been filed.

2. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. Since the representation given by the petitioner dates back to the year 2013, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the second respondent herein to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the second respondent herein ventilating their grievances. On receipt of the same, the second respondent shall consider it, in the light of the direction issued by the first respondent on 13.05.2013 in No.95/1/13/PDY and pass appropriate orders in accordance with law, within a period of 12 weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar



hvk

To

1.The Assistant Labour
Commissioner (Central),
DA-2, BSNL Staff Quarters,
Jayanagar, Reddiar Palayam Post,
Puducherry - 10.

2.The General Manager,
BSNL Cuddalore.

+1cc to Mr.L.Swaminathan, Advocate, S.R.No.8808

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SS(CO)
SB(01/03/2022)