



WEB COPY



W.P.No.4030 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4030 of 2019

Indian Major Port & Dock Officers' Association,
Reg No.46/2018
Rep.by its President,
No.1/675, 1st Street,
Muthamizh Nagar,
Chennai – 600 118.

...Petitioner

Vs.

The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600 001.

..Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 16.11.2018 to deduct annual subscription of Rs.150/-from the respective salaries of the members of the petitioner Association and credit the same to Petitioner Association Bank Account No.05290100024209 in Bank of Baroda, Chennai Main Branch within such time frame fixed by this Court.



For Petitioner : Mr.K.Livingston
For Respondent : Mr.S.Haja Mohideen Gisthi

ORDER

The petitioner is the registered Association, filed the present writ petition seeking a direction to direct the respondents to consider the representation dated 16.11.2018.

2. The grievances of the writ petitioner/Association is that the Pay Disbursing Officers are not deducting the yearly Union Subscription and pay the same to the Association.

3. The deduction of yearly subscription from the salary of the employees cannot be done without their written consent. Salary is the earned wages of an employee and no deduction can be made without obtaining a written consent from the employee concerned. Even other recoveries are to be made only in accordance with the Statutes or the Court orders as the case may be.

4. However, in the present case, recovery cannot be made at the



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instance of the petitioner/Association. Thus, it is clarified that mere representation to the authorities to deduct yearly subscription is impermissible and the Association is at liberty to make a request to the authorities and the authorities only based on the written consent of the employees, can deduct the yearly subscription and pay the same to the Association. Beyond that, the Association cannot have any claim for deduction for salary from the employees concerned.

5. With these observations, the writ petition stands disposed of. No costs.

02.12.2022

Index : Yes
Speaking order: Yes
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To

The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600 001.

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S.M.SUBRAMANIAM, J.

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