



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.20558 of 2021

and

W.M.P. Nos. 21787 & 21788 of 2021

Krishnamoorthy

...Petitioner

Versus

1. The General Manager
TIIC Ltd., MHU Complex
692, Annasalai, Nandanam
Chennai District.

2. The Branch Manager
TIIC Ltd., Dharmapuri Branch
Dharmapuri District.

...Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the record relating to the order passed by the first respondent in TIIC/HO/LM & R & REC/SUR/DPT/2020-21 dated 12.08.2020 and quash the same and direct the second respondent to pay the salary dues for the period from September 2018 to January 2020 amounting a sum of Rs.8,43,000/- with interest at the rate of 12% per annum to the petitioner.

For Petitioner : Mr. V.Sakkarapani

For Respondents : Mr. K. Magesh
1 & 2

O R D E R

This petition has been filed to quash the order passed by the first respondent in TIIC/HO/LM & R & REC/SUR/DPT/2020-21 dated 12.08.2020 and direct the second respondent to pay the salary dues for the period from September 2018 to January 2020 amounting a sum of Rs.8,43,000/- with interest at the rate of 12% per annum to the petitioner.



2. The case of the petitioner is that he is running a security centre in the name and style of Moorthy Security Center. The Second respondent approached the petitioner seeking to provide security guards to which, the petitioner security Center afforded security guards to one M/s. SR. Cottons India Private Ltd., Palacode, and M/s.Vcon Active Corbon Private Ltd., Pochampalli, Sipcot as securities on salary basis and the salary has to be paid by the second respondent. Further, the provided securities completed their work allotted to them in the M/s.Vcon Active Corbon Private Ltd., Pochampalli, Sipcot and the second respondent stopped the salary payment of Rs.4,00,000/- which was to be paid as salary to the securities.

3. It is the further case of the petitioner that in M/s.Cotton's India Private Ltd., had obtained loan from the second respondent to purchase machineries and construct company and thereafter, they did not pay the loan. Therefore, the second respondent had undertaken the property of the said M/s. SR. Cotton's India Private Ltd., Palacode in the year 2017 . While so, when the securities were on duty on 07.10.2018, the owner of the company, the second respondent herein, threatened the securities and took away the machineries worth about 32 lakhs. Thereafter, the General manager of the said company lodged a complaint and the same is kept pending. When the petitioner approached the second respondent for payment of pending salary and the same was refused by them, for which, the petitioner filed a writ petition before this Court for the payment of the salary in W.P. No. 14223 of 2020 and the same was dismissed on 12.07.2021. However, the petitioner had made a representation before the first respondent for payment of salary and the same was rejected vide order dated 12.08.2020. Challenging the said rejected order by the first respondent, the petitioner has come up with this writ petition.

4. The learned counsel for the petitioner submitted that admittedly, the owner of the company has taken the machineries which was under care and custody of the security guard. The security guard cannot raise his voice against the owner of the property. The petitioner being an employee of the respondent company, the petitioner is seeking for payment of salary for the service already rendered which cannot be denied by the respondent. Therefore, the impugned order passed by the first respondent is illegal and the same has to be quashed.

5. Per contra, the learned counsel for the respondents submitted that for the very same relief, which was sought for by



the petitioner before this Court, was negatived on 12.07.2021. Again the petitioner approached this Court for the very same relief, which is not maintainable. Further, he iterated that the theft has happened during the watch and ward duty of the petitioner's employee and the release of pending salary may be considered on retrieval of stolen machinery and the said fact was also intimated to the petitioner vide letter dated 12.08.2020, which is the impugned order herein. Hence, he prayed this Court for dismissal of the writ petition.

6. In view of the averments so made by the learned counsel for the respondents, this Court finds no fault with the impugned order as the order itself states that the theft had occurred during the watch and ward duty of the petitioner's employee and the release of pending salary may be considered on retrieval of stolen machinery. Hence, this Court deems it fit not to interfere with the impugned order.

7. In view of the above, this writ petition stands dismissed. There will be no order as to cost. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Rli

To

1. The General Manager
TIIC Ltd., MHU Complex
692, Annasalai, Nandanam
Chennai District.

2. The Branch Manager
TIIC Ltd., Dharmapuri Branch
Dharmapuri District.

+1 CC to Mr.K.Magesh, Advocate sr 6579.

W.P. No.20558 of 2021

PMK (CO)
SP(09/05/2022)