



WEB COPY



W.P.No.25629 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.25629 of 2022

M.Mala

... Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Kancheepuram District,
Kancheepuram 631 604.
- 2.The Deputy Commissioner of Labour
Authority Under the Payment of
Subsistence Allowance Act
DMS Compound, Chennai 600 006.
- 3.The Management of Hanchang India Private Limited
Represented by its Managing Director,
No.107/109, Ottanthangal Village,
Thenneri Post, Walajabad,
Kanchipuram District – 631 604.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to recover the amount of Rs.1,00,988 with 15% interest from the 3rd respondent under the Revenue Recovery Act and deposit in to the credit of PSA No.81 of 2018 on the file of the second respondent Joint Commissioner of Labour (Authority Under the Payment of Subsistence Allowance) Act, and further direct the second respondent to pay the amount to the petitioner.



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For Petitioner : Mr.K.Sudalai Kannu
For Respondents : Mr.G.Nanmaran
Special Govt. Pleader (for R1 & R2)

ORDER

The prayer sought for herein is for a writ of mandamus directing the first respondent to recover the amount of Rs.1,00,988/- with 15% interest from the 3rd respondent under the Revenue Recovery Act and deposit in to the credit of PSA No.81 of 2018 on the file of the second respondent Joint Commissioner of Labour (Authority Under the Payment of Subsistence Allowance) Act, and further direct the second respondent to pay the amount to the petitioner.

2. The petitioner was an employee of the 3rd respondent organisation, he has been placed under suspension pending contemplation of a disciplinary proceedings and he had been under suspension for longer period. Therefore, in order to get the subsistence allowance for the suspension period, the petitioner had approached the Authority under the Payment of Subsistence Allowance Act and the said authority by order dated 28.10.2021 having calculated the said approved subsistence allowance to the extent of Rs.1,00,988/- directed the 3rd respondent Management to pay the same.



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3. Though subsequently the petitioner pursuant to the disciplinary proceedings was removed from service, the order passed by the Authority as referred to above is still holds good as the respondent Management had not filed any appeal against the said order passed by the authority under the said Act.

4. Subsequently the 2nd respondent has sent a communication to the 1st respondent on 27.05.2022 to invoke the provisions of the Revenue Recovery Act so that the due payable to the petitioner by the 3rd respondent can be recovered and be paid to the petitioner. Thereafter a representation also was given by the petitioner to the 1st respondent District Collector on 11.07.2022 in this regard that was also not considered, therefore the petitioner has approached this Court by filing the present writ petition with the aforestated prayer.

5. Heard Mr.K.Sudalai Kannu, learned counsel appearing for the petitioner who having reiterated the aforestated would seek indulgence of this Court to issue a direction to the 1st respondent District Collector to act upon on the request of the 2nd respondent vide proceedings dated



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27.05.2022 by invoking the Revenue Recovery Act for recovering the due payable to the petitioner by the 3rd respondent.

6. Heard Mr.G.Nanmaran, learned Special Government Pleader appearing for the respondents 1 and 2 who would submit that, the communication sent by the 2nd respondent to the 1st respondent dated 27.05.2022 would be acted upon and in this regard the request made by the petitioner dated 11.07.2022 vide his representation also would be considered and necessary action would be taken for recovering the said dues under the provisions of the Revenue Recovery Act.

7. Having regard to the said submission made by the learned counsel appearing for the parties and after considering the factual matrix of this case and in view of the order going to be passed in this writ petition, notice to the 3rd respondent is dispensed with and accordingly this writ petition is disposed of with the following orders:

That there shall be a direction to the 1st respondent to act upon on the communication of the 2nd respondent dated 27.05.2022 by invoking the provisions of the Revenue Recovery Act for recovering the dues payable by the 3rd



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respondent to the petitioner as per the orders of the authorities concerned on 28.10.2021 and the aforesaid needful shall be undertaken by the 1st respondent within a period of twelve weeks from the date of receipt of a copy of this order. In this regard, before issuing the proceedings under Revenue Recovery Act, the 3rd respondent shall be put on notice and after hearing the views of the 3rd respondent only the needful action as indicated above shall be undertaken and completed by the 1st respondent.

8. With these directions, this Writ Petition is disposed of. No costs.

23.09.2022

Index: Yes/No

Speaking Order : Yes/No

Sgl

To

1. The District Collector,
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2. The Deputy Commissioner of Labour
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R. SURESH KUMAR, J.

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