



WEB COPY



W.P.No.26430 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.26430 of 2022

Bhackiyarj

... Petitioner

Versus

1. The Secretary to Government.
Labour Department,
Fort St. George, Chennai.
2. The District Collector,
Chennai District.
3. The Commissioner of Labour,
Anna Salai, Teynampet, Chennai-600 006.
4. The Chairman,
M/s Futura Polyester Ltd,
B-22, T.V. Industrial Estate,
S.K. Ahire Marg, Worli,
Mumbai-400 030

.... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondents 1 to 3 to dispose of the petitioner's complaint dated 22.08.2022 in terms of Section 33(1) of the Industrial Disputes Act as to recover the closure compensation/statutory due of the petitioner worker from the 4th respondent.



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For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.G.Nanmaran
Spl.Govt.Pleader
For R.1 to R.3

R.4 – Dispensed with

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 to 3 to pass final orders on the petitioner's application dated 22.08.2022 filed under Section 33(c) of the Industrial Disputes Act, 1947, seeking for recovery of dues payable to him by the fourth respondent within a time frame to be fixed by this Court.

2. The petitioner claims that he was a workman employed with the fourth respondent, which is indebted to various creditors and employees. According to the petitioner, a settlement was reached with the fourth respondent. In such circumstances, the petitioner has filed an application under Section 33(c) of the Industrial Disputes Act, 1947 before the first respondent, seeking for issuance of recovery certificate in terms of the said section. Since the application has not been considered till date, the petitioner has filed this writ petition.



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3. Heard Mr.P.R.Thiruneelakandan, learned counsel for the petitioner and Mr.G.Nanmaran, learned Special Government Pleader appearing for the respondents 1 to 3. Since no adverse orders are passed against the fourth respondent in this writ petition, notice to the fourth respondent is dispensed with.

4. Admittedly, an application dated 22.08.2022 has been filed by the petitioner before the first respondent under Section 33(c) of the Industrial Disputes Act, 1947 and no final orders have been passed by the first respondent in the said application, filed by the petitioner.

5. No prejudice would be caused to the respondents if a direction is issued to the first respondent to pass final orders on the petitioner's application dated 22.08.2022 filed under Section 33(c) of Industrial Disputes Act, 1947, within a time frame to be fixed by this Court after affording a fair hearing to the petitioner as well as fourth respondent.

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's application dated 22.08.2022 on merits and in accordance with law, seeking for issuance of recovery certificate under the



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provisions of Section 33(c) of Industrial Disputes Act, 1947, within a period of four months from the date of receipt of a copy of this order after affording a fair hearing to the petitioner as well as the fourth respondent.

With the aforesaid direction, the writ petition is disposed of. No costs.

26.10.2022

Sr
Index: Yes/No
Speaking Order/Non-Speaking Order

To

- 1.The Secretary to Government.
Labour Department,
Fort St.George, Chennai.
2. The District Collector,
Chennai District.
3. The Commissioner of Labour,
Anna Salai, Teynampet, Chennai-600 006.

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