

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 27863 of 2017
and
W.M.P. No. 29884 of 2017**

M/s. Kongu Transport,
Represented by its Proprietor V.S.Thamilan,
No. 2, Thiruvaeethi Amman Koil Street,
1st Floor, Gandhi Road,
Velachery, Chennai - 42

... Petitioner

-VS-

1. Nuclear Power Corporation of India Ltd,
Madras Atomic Power Station,
Kalpakam – 603 102.
Represented by its Station Director.

2. Nuclear Power Corporation of India Ltd,
Madras Atomic Power Station,
Kalpakam – 603 102.

Represented by its Engineer-in-charge (Transport)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records of the Second Respondent in No. NPC/MAPS/E&US/TPT/S/2017 dated 17.08.2017 and quash the same and forbearing the Respondents from implementing the Second Respondent impugned proceedings No. NPC/MAPS/E&US/TPT/S/2017 dated 17.08.2017 by recovering the said false

claim from the contractors due bill as per Sec 21(4) of the contract Labour (Regulation and Abolition Act 1970).

For Petitioner : Mr. P.Gunaraj

For Respondents : Mr. V.Vijay Shankar

O R D E R

Heard Mr. P.Gunaraj, Learned Counsel for the Petitioner and Mr. V.Vijay Shankar, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the proceedings no. NPC/ MAPS/E&US/TPT/S/2017 dated 17.08.2017 issued by the Second Respondent and to consequently forbear the Respondents from implementing the same by recovering the said false claim from the contractors due as per Section 21(4) of the Contract Labour (Regulation and Abolition) Act, 1970.

3. It has been brought to notice by Learned Counsel for both sides that in view of the interim order passed on 01.07.2017 by the Court, recovery has not been effected from the Petitioner and amounts due to him have been paid. It is further stated that one D.Erusappan has raised an industrial dispute in I.D. No.

95 of 2017 before the Labour Court in respect of non-payment of his wages which was sought to be recovered through the impugned order and he would have to work out his rights for the same in those proceedings.

4. In view of the aforesaid submissions made, nothing remains for further consideration in this Writ Petition. At the same time, it is clarified that no view has been expressed by this Court on the correctness or otherwise on the merits of the rival contentions of the parties (including the said D.Erusappan) in the matter.

5. In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.06.2022

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Index: Yes/No

Note: Issue order copy by 27.07.2022.

To

1. The Station Director,
Nuclear Power Corporation of India Ltd,
Madras Atomic Power Station,
Kalpakam – 603 102.
2. The Engineer-in-charge (Transport),
Nuclear Power Corporation of India Ltd,
Madras Atomic Power Station,
Kalpakam – 603 102.

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P.D. AUDIKESAVALU, J.

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