



W.P.No.3813 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

**W.P.No.3813 of 2023
and WMP No.4360 of 2021
and WMP No.33524 of 2022**

S.Rajasekaran

... Petitioner

Vs.

1. The Secretary to Government
Agriculture /Chairman
Pondicherry Agro Service and
Industries Corporation Limited
Chief Secretariat
Puducherry -605 001.
2. The Managing Director
Pondicherry Agro Service and
Industries Corporation Limited (PASIC)
Agro House, Thattanchavady
Puducherry -605 009.
3. The Director of Agriculture
Agriculture Department
Puducherry.

... Respondents



W.P.No.3813 of 2021

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the concerned records relating to the Order No. 26967/CS(Agri)/A4/2020, dated 20.03.2020 passed by the 1st respondent herein and quash the same and consequently directing the respondents to redeploy the petitioner to any office of the 3rd respondent in the equivalent post of Depot Manager and settle the arrears of back wages payable to the petitioner.

For Petitioner : M/s.R.Kalaiyarasi
S.Vijayalakshmi

For Respondents : Mr.R.Sreedhar
Additional Government Pleader(P)
for R1 & R3

Mr.T.M.Naveen
for R 2

ORDER

This writ petition was filed challenging the order dated 20.03.2020, passed by the 1st respondent and for a consequential direction to the respondents to redeploy the petitioner to any office of the 3rd respondent in the equivalent post of Depot Manager and settle the arrears of back wages.



2.The learned counsel for the petitioner mentioned this case and brought it up for hearing on the ground that the petitioner's son is getting married and hence, the petitioner has to incur some urgent expenses. WMP.No.33524 of 2022, has also been filed to direct the 2nd respondent to disburse a part amount in the arrears payable by the petitioner.

3.The learned Additional Government Pleader appearing on behalf of the respondents 1 and 3 submitted that the similar issue was dealt with in a batch of writ petitions by this Court and final order was passed on 25.11.2022, by issuing certain directions. The copy of the order was also placed before this Court.

4.In the considered view of this Court, the petitioner cannot be treated differently and the petitioner has to be given the same relief that was given to other petitioners, who approached this Court on the very same issue. Hence, this Court is not in a position to accede to the request made by the petitioner to direct the 2nd respondent to disburse part of the arrears of salary. If such a direction is issued, the other petitioners will also come before this Court and



seek for similar directions and it will only complicate the issue. Already some steps have been taken by the 2nd respondent to settle the dues of the employees and at this point of time, passing interim orders will only hamper the process.

5.This Court while disposing of the batch of writ petitions in W.P.Nos.13654 etc., of 2019, passed the following directions:

2. All the petitioners are the employees of M/s.Puducherry Agro Service and Industries Corporation Limited, which is a Company incorporated under the Companies Act, 1956.

3. It is not in dispute between the parties that the Corporation faced severe financial difficulties and almost became defunct. Thus the Corporation was not in a position to settle the salary due to its employees and it was being paid in piece meal. Whenever Grant-in-Aid from the Government of Pondicherry has been received by the Corporation, thereafter the salary has been settled to its employees.

4. While-so, the learned counsel appearing on behalf of the respondents 4 and 5 made a submission that proposals were submitted to the Government for the purpose of taking a decision regarding the affairs of the Corporation. The proposal is pending before the Government for consideration and in the event of taking a decision by the Government, the Corporation would be in a position to resolve the issues including the salary to be paid to



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these employees. Further, it is not in dispute that the salary dues are yet to be paid to the petitioners. Equally, the Court has to consider the financial difficulties faced by the Corporation, which is owned by the Government of Pondicherry. Since the Government has already taken efforts to resolve the issues, the the directions if at all issued may not be workable in the matter of settlement of salary dues.

5. This being the factum, all the petitioners are at liberty to approach the Government and the respondents are directed to consider the issues and take a decision as expeditiously as possible in order to resolve the issues. In respect of the pending issues, the Government is expected to take a final decision, within a period of six months from the date of receipt of a copy of this order.

6.This writ petition is also disposed of in terms of the above order. No costs. Consequently, connected miscellaneous petition is closed.

02.02.2023

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Internet : Yes/No

Index : Yes/No

Speaking Order :Yes/No

Neutral Judgment :Yes/No



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N.ANAND VENKATESH,J.

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To

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