



W.P.No.8257 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.8257 of 2016

Neelamalai Plantation Workers Union,
(Regn.No.437/SLM),
Rep. by its General Secretary,
Thotta Thozhilalar Illam,
Main Road, Yercaud – 636 001.

... Petitioner

Vs.

1.The Collector,
Salem District, Salem.

2.The Tahsildar,
Yercaud Taluk, Yercaud,
Salem District.

3.The Management of Vasambadi Estate,
Yercaud – 636 601.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to implement the G.O.(D).No.442, Labour and Employment Department, dated 23.10.2008 and recover the balance amount payable by the third respondent herein along with accrued interest within a time frame and disburse the same to the members of the petitioner herein.



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For Petitioner : Mr.K.M.Ramesh
For Respondents : Ms.M.Senthil Selvi
Government Advocate [R1 & R2]
Mr.S.Kalyana Raman [R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 and 2 herein to implement the G.O.(D).No.442, Labour and Employment Department, dated 23.10.2008 and recover the balance amount payable by the third respondent herein along with accrued interest within a time frame and disburse the same to the members of the petitioner herein.

2. The case of the petitioner is that, he is the General Secretary of Neelamalai Plantation Workers Union. The Labour and Employment Department of the Government of Tamil Nadu issued a notification dated 01.09.1995 fixing minimum rates of wages payable to plantation workers. Challenging the same, the Association of Plantation Owners filed a writ petition in W.P.No.15332 of 1995 and the same was dismissed on 12.12.1998. However, the third respondent has not



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implement and comply with the said notification by paying the differential amount to its workers, who are the members of petitioner Union. The Labour Court, Salem, held conciliation proceedings, in which, there was a settlement between the parties. Though settlement was arrived between the parties, the third respondent has not paid the amount within the stipulated date, thereby, the workmen is entitled to claim interest at 12% p.a. as per Clause 2 of the Settlement. Therefore, the workmen have filed a claim petition in C.P.No.117 of 2006 and the Labour Court has passed an *ex-parte* order in favour of the workmen. The third respondent-Management has paid a sum of Rs.5 Lakhs as per the interim order passed in M.P.No.1 of 2010 in W.P.No.11327 of 2020 and the said writ petition was dismissed on 02.08.2011. Challenging the same, the third respondent filed writ appeals, which was also dismissed. Even thereafter, the third respondent has not paid the balance amount as computed by the Labour Court in C.P.No.117 of 2006. Thereafter, the Government of Tamil Nadu issued G.O.(D)No.442 dated 23.10.2008 authorizing the first respondent herein to effect revenue recovery proceedings against the third respondent Management and recover the balance amount due to the workmen as per order in C.P.No.117 of 2006.



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Thereafter, the petitioner Union has approached the respondents 1 and 2 to take steps to recover the balance amount payable by the third respondent along with accrued interest. However, the respondents 1 and 2 are not taking any coercive steps to recover the amount. Hence, the present writ petition has been filed.

3.Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner, submits that, it would suffice, if this Court, issues a direction to the respondents 1 and 2 to implement G.O.(D).No.442, Labour and Employment Department, dated 23.10.2008 and recover the balance amount payable by the third respondent-Management along with accrued interest and disburse the same to the members of the petitioner Union, within a time frame that may be stipulated by this Court.

4. The learned Government Advocate appearing for the respondents 1 and 2 submitted that, G.O.(D).No.442, Labour and Employment Department, dated 23.10.2008 will be implemented, if there is no legal impediment.



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5. In view of the aforesaid submissions, this Court, without going into the merits of the case, directs the respondents 1 and 2 to implement G.O.(D).No.442, Labour and Employment Department, dated 23.10.2008, within a period of twelve (12) weeks from the date of receipt of a copy of this order, if there is no legal impediment.

6. With the above direction, the Writ Petition is disposed of. No costs.

03.07.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Collector,
Salem District, Salem.
- 2.The Tahsildar,
Yercaud Taluk, Yercaud,
Salem District.



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M.DHANDAPANI, J.

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