



W.P.No.29894 of 2014

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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M.Mohanraj

.... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Salem Division,
No.12, Ramakrishna Road,
Salem – 636 007.

2. The Deputy Commissioner of Labour,
Salem Collector Office (4th Floor),
Salem – 636 001.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus, directing the 1st respondent to issue the cheque payable them in the name of Tamil Nadu State Transport Corporation General Employees Munnetra Sangam as requested by 2224 employees in their individual request letter dated 16.06.2014.



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For Petitioner : Mr.B.Ullasavelan
For R1 : Mr.R.Babu
Senior Counsel
For R2 : Mr.M.P.Murugan Raja
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 1st respondent to issue the cheque payable them in the name of Tamil Nadu State Transport Corporation General Employees Munnetra Sangam as requested by 2224 employees in their individual request letter dated 16.06.2014.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

3. The petitioner is a registered Trade Union and affiliated to Labour Progressive Federation. One of its General Secretary died on 07.04.2014, while he was in service. He was working as Driver at Johnsonpettai Branch. His family is not financially sound and as such,



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all the employees were decided to contribute Rs.500/- from their salary to the family of the deceased driver. Totally 2224 employees gave individual consent letter addressing to the first respondent to issue a cheque in the name of Tamil Nadu State Transport Corporation General Employees Progressive Union to settle the said amount to the deceased family. However, it was not to an end and as such, the petitioner approached this Court by way of this writ petition.

4. The said request was made by the petitioner on 16.06.2014. Now, the employees, who had given consent for deduction of Rs.500/- from their salary might have been retired from service. After nine years, the direction sought for in this writ petition cannot be issued, since, the consent with the written authorisation of the employed person is to be obtained to contribute if any to the deceased family, as contemplated under Section 7 2(KK) of the Payment of Wages Act, 1936.

5. Therefore, the Writ Petition is devoid of merits.



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Accordingly, this Writ Petition stands dismissed. However, the present employees are at liberty to give their written authorisation for the payment of their respective contribution to the deceased family to the first respondent. On receipt of such request, the first respondent is directed to consider the same and issue cheque in favour of the deceased family. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Lpp

To

1. The Managing Director,
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2. The Deputy Commissioner of Labour,
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G.K.ILANTHIRAIYAN, J.



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