



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.996 of 2023

S.Sathiskumar

Petitioner

VS.

1.The Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat,
Chennai – 600 009

2.The Senior General Manager,
Simplex Infrastructures Ltd.,
Simplex House,
27 Shakespere Sarani,
Kolkatta – 700 017.

3.The Deputy Manager,
Simplex Infrastructures Ltd.,
Heavitree Complex, 1st Floor, Unit-c,
47, Spurtank Road, Chetpet,
Chennai – 600 031.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to direct 2nd respondent to disburse in entire pending salary / wages of



Rs.12,72,600/- with 9 percentage interest per month w.e.f 01.03.2021 to till the date of actual payment to the petitioner to meet the both the ends of justice and pass orders in accordance with law with a time frame that may be stipulated by this Court.

For Petitioner : Mr.A.S.Palanisamy

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader
for R1

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 2nd respondent to disburse the salary that is due and payable to the petitioner with interest at the rate of 9% per annum with effect from 01.03.2021.

2.Heard Mr.A.S.Palanisamy, learned counsel appearing on behalf of the petitioner and Mr.Stalin Abimanyu, learned Additional Government Pleader appearing on behalf of the 1st respondent.

3.The petitioner was working in the 2nd respondent private concern as a Deputy Manager (Construction). According to the petitioner, his services were also regularized w.e.f. 28.12.2017 onwards. The grievance



of the petitioner is that he was not paid the salary and he also made several representations to the 2nd respondent which ended in futile. As a consequence, the present writ petition has been filed before this Court for a direction to the 2nd respondent to disburse the entire arrears of salary with interest.

4. When this Court questioned the learned counsel for the petitioner with regard to the maintainability of this writ petition, the learned counsel brought to the notice of this Court two judgments which are referred as under:

- a) Munni Dev vs. Govt. of Nct and another
- b) Zee Telefilms Ltd and Another vs. Union of India and others reported in *(2005) 4 SCC 649*

5. It is an admitted case that the 2nd respondent is a private concern. It is also admitted that the petitioner was working in the 2nd respondent Company as a Deputy Manager. The grievance of the petitioner is that his salary was not disbursed by the 2nd respondent in spite of several representations made to the 2nd respondent.



WEB COPY

6. In the considered view of this Court, recovery of salary from a private company can never be made amenable to writ jurisdiction. It is true that a writ can be issued even as against the private body, provided that the private body is performing a public function. In the present case, the non-payment of salary by the 2nd respondent to the petitioner can at no stretch be called as a public duty.

7. The petitioner has knocked the doors of a wrong Court and the judgments that were cited by the learned counsel for the petitioner will not have any bearing to the facts of the present case. Hence, this writ petition stands dismissed. It is left open to the petitioner to workout his remedy for the recovery of the salary from the 2nd respondent before the appropriate forum in the manner known to law. No Costs.

19.01.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
SSR



5

WEB COPY

To

The Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat,
Chennai – 600 009.



WEB COPY



6

N. ANAND VENKATESH, J.

SSI

W.P No.996 of 2023

19.01.2023