



W.P.No.13900 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.13900 of 2017

G. Singaravelan

... Petitioner

Vs.

1. Deputy Labour Commissioner,
Authority under Payment of Wages Act, 1936
Karaikal.

2. The Managing Director/General Manager,
M/s. Jayapragash Narayanan,
Co-operative Spinning Mill Ltd.,
Keezamanai Neravy, Karaikal – 609 604.

3. Mr. Charles Vijay – Enquiry Officer,
M/s. Jayapragash Narayanan,
Co-operative Spinning Mill Ltd.,
Keezamanai Neravy, Karaikal – 609 604.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent herein to conclude the proceeding filed by the petitioner (received by the Labour Department Puducherry on 15.09.2016) which is un-numbered till date within a stipulated time period and also direct the second respondent herein



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to provide the copy of disciplinary proceedings order passed by the third respondent.

For Petitioner : Mr.R. Udhaya Kumar

For Respondents : Mrs.G. Djearyny,
Government Advocate (Puducherry) [R1]
Mr.T. Wilson Easter Raj [R2 & R3]

ORDER

When the petitioner was placed under suspension in connection to the departmental inquiry, it is stated that the second respondent had not paid the subsistence allowance. Claiming the same, the petitioner had preferred an application before the first respondent herein on 15.09.2016. Apparently, the first respondent is an Authority under the Payment of Wages Act, 1936 and may not have the jurisdiction to adjudicate the claim for subsistence allowance.

2. According to the learned counsel for the respondents, the appropriate authority for claiming such subsistence allowance would be the concerned Labour Court.



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3. This Court is of the view that since the petitioner herein had already approached the first respondent herein in the year 2016 itself, claiming subsistence allowance till 24.08.2016, which is well within time, liberty can be granted to the petitioner to approach the concerned Labour Court with the same prayer.

4. The learned counsel for the petitioner submitted that though the charges came to be framed against the petitioner on 08.06.2008 and an inquiry was also conducted and final orders were passed, the copies of the disciplinary proceedings have not been served on him.

5. The learned counsel for the second and third respondents submitted that if the petitioner approaches them, a copy will be served.

6. In the light of the submissions made by the respective counsels, liberty is hereby granted to the petitioner to file an appropriate application before the concerned Labour Court at Karaikal, within a period of 30 days from the date of receipt of a copy of this order. On such application being filed, the Labour Court shall adjudicate the same in accordance with law



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and pass final orders atleast within a period of six (6) months therefrom.

Likewise, the petitioner is also granted liberty to approach the second respondent with a representation seeking for copies of the disciplinary proceedings initiated against him under the charge memo dated 08.06.2013.

On receipt of such representation, the second respondent herein shall provide with the copies of the disciplinary proceedings sought for by the petitioner, within a period of one (1) week from the date of receipt of the representation.

7. With the above directions, this Writ Petition stands disposed of.

No costs.

24.01.2023

Speaking/Non-speaking Order

Neutral Citation: Yes/No

Index: Yes/No

Internet: Yes/No

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To

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M.S.RAMESH,J.

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