



W.P.No.26141 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26141 of 2018

Gyan Leather National Workers Union,
Represented by its President,
G.Paramasivam,
Aged about 46 years,
Thuthipet, Pondicherry - 605 002.

... Petitioner

Vs.

1. The Union of India,
Represented by its Secretary to Government,
Labour Department,
Government of Puducherry, Puducherry.
2. The District Collector,
Puducherry.
3. The Tahsildar,
Villianur Taluk Office,
Puducherry.
4. M/s.Gyan Leather Board Limited,
VIII, Thuthipet,
Villianur Commune,
Pondicherry - 645 502.



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5. The Industrial Development Bank of India,
Chennai - 600 015.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the third respondent to take steps for the sale of lands of the fourth respondent comprised in R.S.No.119/1A, 119/2A, 119/3A, 122/6B and 122/7 of Thuthipet Revenue Village, pursuant to the order of attachment dated 24.12.2012 and to settle the workmen dues.

For Petitioner	:	Mr.T.Saikrishnan
For Respondents	:	Mr.A.Tamilvanan
		Addl. Govt. Pleader for R1 to R3
		No appearance for R4
		Mr.D.Sai Ramkumar for R5

O R D E R

This Writ Petition has been filed to direct the third respondent to take steps for the sale of lands of the fourth respondent comprised in R.S.No.119/1A, 119/2A, 119/3A, 122/6B and 122/7 of Thuthipet Revenue Village, pursuant to the order of attachment dated 24.12.2012 and to settle the workmen dues.

2. The petitioner is the Union. The members of the petitioner Union are working in the fourth respondent, i.e., M/s.Gyan Leather Board



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Limited. In a Claim Petition filed before the Industrial Tribunal, the Labour Court, Puducherry passed an award in favour of the petitioner Union, thereby directing the fourth respondent to pay salary and other benefits due from 2002 and the same was published in Puducherry Gazette No.44 dated 02.11.2010 vide G.O.Rt.No.208/AIL/LAB/J/2010 dated 15.10.2010. Pursuant to the same, the members of the petitioner Union individually submitted an application to recover the amount due from the fourth respondent by virtue of Section 33(c)(1) of the Industrial Disputes Act, 1947. However, the second respondent issued a certificate against the fourth respondent to pay the full backwages and other benefits as per the Labour Court award dated 19.04.2010. Pursuant to the said order of the second respondent, the third respondent issued an order of attachment dated 24.12.2012 attaching the lands of the fourth respondent for recovery of the dues payable to the members of the petitioner Union under the provisions of the Puducherry Revenue Recovery Act, 1970. A sale notice was published fixing the public auction for sale of properties. However, the auction got postponed on various occasions. Therefore, it was decided by the



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respondents 1 to 3 to sell the land, building and machineries separately and as such a sale notice dated 06.06.2014 was issued fixing public auction on 26.06.2014. In the said auction, the machineries of the fourth respondent were sold for a sum of Rs.48,95,890/-. However, only a sum of Rs.38,09,404/- was alone apportioned to the petitioner Union as per the award dated 19.04.2010 as against the actual due for a sum of Rs.3,11,04,165/- .In the meanwhile the first respondent passed a certificate of recovery by proceedings dated 13.09.2012 directing the District Collector, Puducherry to recover the amount due to the workers employed in Gyan Leather Board Limited, Puducherry.

3. It is further case of the petitioner that the third respondent did not proceed with the sale of the lands and buildings to recover the balance amount due to the petitioner Union. Therefore, the petitioner Union was repeatedly making representations to the respondents 1 to 3 and through the third respondent, the petitioner Union came to know that there are pending proceedings initiated by the fifth respondent as against the fourth respondent



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Company in the Debts Recovery Tribunal, wherein the Recovery Officer, DRT-II had ordered attachment of lands and buildings belonging to the fourth respondent Company in DRC.No.57 of 2010 in O.A.No.35 of 2017. As against the order, the petitioner Union filed an application to set aside the order passed by the Recovery Officer and the same was dismissed on the ground that the secured creditor has priority in the claim, as against which, the appeal has been preferred before the Debts Recovery Tribunal-II, Chennai in Appeal No.4 of 2018 wherein orders are yet to be passed. In this circumstances, the petitioner Union on behalf of the 77 families of the workmen has filed the present Writ Petition seeking for bringing the properties of the fourth respondent for sale pursuant to the order of attachment already passed on 24.12.2012 in order to recover the amount due to the employees workmen.

4. The learned counsel appearing for the petitioner submits that it would suffice, if this Court issues a direction to the respondents 2 and 3 to implement the certificate of recovery issued by the first respondent dated



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13.09.2012 and pass appropriate orders, within a time frame that may be fixed by this Court.

5. The learned Additional Government Pleader appearing for the official respondents has no serious objection for such an order being passed by this Court.

6. The learned counsel appearing for the fifth respondent would submit that already the Recovery Officer, Debts Recovery Tribunal-II has ordered attachment of lands and buildings belonging to the fourth respondent Company, which is pending.

7. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents 2 and 3 to implement the certificate of recovery issued by the first respondent dated 13.09.2012 and pass appropriate orders, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



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costs.

8. With the above direction, this Writ Petition is disposed of. No

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

1. The Secretary to Government,
The Union of India,
Labour Department,
Government of Puducherry, Puducherry.
2. The District Collector,
Puducherry.
3. The Tahsildar,
Villianur Taluk Office,
Puducherry.
4. M/s.Gyan Leather Board Limited,
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