



WEB COPY



W.P.No.3813 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3813 of 2019

Plantation Labour Association
(Affiliated with AITUC), Reg No.1659
Rep by its President T.Balakrishnan
No.19/135 Eye Hospital Road
Chevidipet, Gudalur
The Nilgiris District.

.. Petitioner

Vs

- 1 The Executive Director
Tea Board of India
Ministry of Commerce and Industry
Department of Commerce
Govt of India, South Zonal Office
Club Road Coonoor-1
The Nilgiris District.
- 2 The Regional Provident Fund Commissioner
Dr.Balasundaram Road
Coimbatore - 18.
- 3 The Joint Commissioner of Labour
Coonoor -1.



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4 The Deputy Commissioner of Labour (Gratuity)
Dr.Balasundaram Road
Coimbatore - 18

5 The Manager, Vijaya Bank
Corporate Banking Branch
MG ROAD, Bangalore - 560 001.

6 The Managing Director
Thiasholai Plantations Ltd
No.2/239 Needari
Thaishola Post,
The Nilgiris - 643320.

.. Respondents

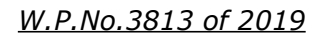
Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent by notified order, authorize any person or body of persons to take over the management of the whole or any part of the tea undertaking or tea unit of the 6th respondent of to exercise in respect of the whole or any part of the undertaking or tea unit such functions of control as may be specified in the order.

For the Petitioner : Mr.Muthusamy

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.Abishek Murthy
Government Advocate
for respondents 3 and 4

: Mr.K.Lavan
for 6th respondent

: No appearance
for respondents 1, 2 and 5



(Order of the court was made by the Hon'ble Chief Justice)

2. Learned counsel for the petitioner submits that the sixth respondent has defaulted in payment of wages, gratuity, provident fund and insurance premium to the workers.

3. According to learned counsel for the petitioner, the sixth respondent is not making payment of the statutory dues to its workers. As such, the management of the sixth respondent be directed to be taken over. The sixth respondent is running a tea estate. The workers are at the mercy of the sixth respondent and as the workers are not paid their statutory dues and wages, they are in a miserable condition.



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4. Learned counsel for the sixth respondent submits that the salaries are paid and only 15 days' salary is payable to the workers. The sixth respondent has undertaken to pay the same by 20.2.2024 before the Assistant Commissioner of Labour. The conciliation proceedings are pending before the Assistant Commissioner of Labour. The workers of the petitioner association are not attending work from September, 2023. The same is also recorded by the Assistant Commissioner of Labour.

5. It is further submitted by learned counsel for the sixth respondent that as far as provident fund amount is concerned, the matter is pending before the Appellate Tribunal and stay is granted on condition that 40% of the amount payable is deposited. 40% of the amount is deposited.

6. It is also submitted by learned counsel for the sixth respondent that after September 2020, the LIC premium amount is not recovered from the workers.



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7. It appears that the dispute between the parties is pending before the Assistant Labour Commissioner. The conciliation proceedings are in progress and the next date is fixed on 20.2.2024. There are counter-allegations against each other. According to the respondents, the workers of the petitioner-association are not attending the work from September, 2023. A Three-Member Committee is also appointed by the Assistant Commissioner of Labour in which the representative of the petitioner association is also there.

8. There is no dispute that the sixth respondent is required to pay the legitimate wages to the workers, so also the statutory payments. The sixth respondent is expected to pay wages regularly to the workers. The sixth respondent is also duty bound to pay the statutory dues to the workers and other dues.

9. The conciliation proceedings are also pending. The Assistant Labour Commissioner will arrive at a conclusion in the



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conciliation proceedings and the conciliation proceedings be decided expeditiously.

10. As learned counsel for the sixth respondent submits that stay is operating with regard to the payment of dues of the provident fund and the same is pending before the Appellate Tribunal, no orders can be passed in respect of the same.

11. In case the exact amount due and payable with regard to the gratuity or otherwise in respect of the retired employees is worked out and the same is not being paid, then the same can be agitated afresh.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.No.4239 of 2019 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

13.02.2024

Index : Yes/No
Neutral Citation : Yes/No
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