



WP No.7974 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.7974 of 2020
and WMP No.9411 of 2020

K.C.Gopikumar

.. Petitioner

-vs-

1. Government of India,
rep. by its Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Secretary,
Department of Labour & Employment,
Ministry of Labour, New Delhi.
3. Government of Tamil Nadu,
Rep. by its Principal Secretary,
Fort St. George, Chennai 600 009.
4. The Principal Secretary,
Labour & Employment Department,
Fort St. George, Chennai 600 009.
5. The Commissioner of Labour,
DMS Campus, Teynampet,
Chennai 600 006.



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6. The Joint Commissioner of Labour/
Administration and Chief Inspector of
Plantations, O/o. The Commissioner
of Labour, Teynampet, Chennai 600 009.
7. The District Collector,
Nilgiris District, near Charing Cross,
Udhagamandalam, Tamil Nadu 643 001.
8. The Deputy Commissioner of Labour,
Upper Church Road, Coonoor,
Nilgiris District 643 001.
9. Planters Association of Tamil Nadu,
Rep. by its President,
Old No.67/New No.42, Coimbatore
Central, A T T Colony Near Kerala Club,
Coimbatore 641 018.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 8 to take criminal action against the members of the 9th respondent and non-member tea estates in Nilgiris District, for illegal deduction and cut in salary to their estate workers for 7 days from 24.03.2020 to 31.03.2020 during the lockdown period and for violation, defiance and disobedience of the directives issued by the first respondent in Proceedings No.40-3/2020-DM-I(A), Ministry of Home Affairs, Government of India, dated 29.03.2020, the order dated 20.03.2020 in D.O.No.M-11011/08/2020-Media issued by the 2nd respondent and the order dated 30.03.2020 in G.O.(D)No.195, Revenue and Disaster Management Department of the Government of Tamil Nadu/3rd respondent, both issued under Sec.10(2)(i) of the Disaster Management Act, 2005 and to recover the 7 days wages from the management of each estate in Nilgiris District, with interest at the rate of 9% and the cost of recovery and disburse the same to each of the workers who are on the muster rolls of the respective registered estates in Nilgiris District, through the Inspector of Plantations and the Tahsildars in the respective area in Nilgiris District.



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For the Petitioner : Mr.V.Ajoy Khose
For the Respondents : Mr.K.S.Jeyaganeshan
SPC for RR 1 and 2
: Mr.A.Edwin Prabakar
State Government Pleader,
Assisted by Mr.T.K.Saravanan
Govt. Advocate, for RR 3 to 8
: Mr.Ashok Menon for R-9
* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.V.Ajoy Khose, learned counsel for the petitioner, Mr.K.S.Jeyaganeshan, learned Special Panel Counsel for respondent Nos.1 and 2, Mr.A.Edwin Prabakar, learned State Government Pleader, assisted by Mr.T.K.Saravanan, learned Government Advocate, for respondent Nos.3 to 8 and Mr.Ashok Menon, learned counsel for respondent No.9.

The learned counsel for respondent No.9 submits that the dispute is pending under the provisions of the Payment of Wages Act bearing No.15 of 2020 before the Joint Commissioner of Labour, Coonoor.

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3. In light of the fact that the matter in issue is already pending before the Joint Commissioner of Labour, Coonoor, the parties may put forth their stand before the said authority.

The writ petition is, accordingly, disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

sra

To

1. The Secretary,
Government of India,
Ministry of Home Affairs,
New Delhi.
2. The Secretary,
Department of Labour & Employment,
Ministry of Labour, New Delhi.
3. The Principal Secretary,
Government of Tamil Nadu,
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4. The Principal Secretary,
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6. The Joint Commissioner of Labour/
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