



WEB COPY



W.P.No.13734 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.02.2024

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.13734 of 2022

and

WMP.Nos.13028 & 13029 of 2022

1.R.Nagarajan
2.N.Raja Sulochanam
3.R.Venugopal

...Petitioners

vs

1.Air India,
Rep. by its Deputy General Manager,
Properties and Facilities Department,
Airlines House, Meenambakkam,
Chennai-600 016.

2.Sri Rangan,
Proprietor, Sri Ranga Electricals,
No.8, 15th Kamaraj Street, MGR Nagar,
Chennai-600 078.

3.The Assistant Labour Commissioner (Central)
Office of the Deputy Chief Labour Commissioner (Central)
Ministry of Labour and Employment,
No.4, Haddows Road,



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Shastri Bhavan,
Chennai- 600 006.

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(R-2 CAUSE TITLE AMENDED VIDE
ORDER DT. 09.06.2022 MADE IN WMP.13486/2022
IN WP.13734/2022)

....Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to withhold the payment due to the 2nd respondent, which are payable to the petitioners towards their terminal benefits such as Gratuity, Leave Wages, Bonus till the Industrial Dispute raised by them before the 3rd respondent is adjudicated by the Industrial Adjudicator finally.

For Petitioners : Mr.Balan Haridas

For Respondents: Mr.K.Srinivasamurthy
for R1

R2- No appearance

Mr.A.R.Sakthivel

Special Central Government Standing Counsel
for R3



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ORDER

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Writ petition is filed for issuance of a writ of mandamus directing the 1st respondent to withhold the payment due to the 2nd respondent, which are payable to the petitioners towards their terminal benefits such as Gratuity, Leave Wages, Bonus till the Industrial Dispute raised, before the 3rd respondent is adjudicated by the Industrial Adjudicator.

2. The 1st respondent has filed counter wherein at para '8' it is stated as follows:

“8. It is submitted that the Writ Petition has been filed by the Petitioners to direct the 1st Respondent to withhold the payments due to the 2nd Respondent, which are allegedly payable to the petitioners towards their terminal benefits such as Gratuity, Leave Wages, bonus till the industrial dispute raised by them before the 3rd Respondent is adjudicated by the Industrial Adjudicator finally. It is submitted that the prayer is far-fetched and no such direction can be issued. In fact, the Petitioners had raised Industrial disputed before the Asst.



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Labour Commissioner (Central), Chennai wherein this Respondent had submitted its reply. Moreover, it is submitted that the Respondent does not have any amount payable to the 2nd Respondent as the monthly bills are paid to the 2nd Respondent every month to enable them to pay wages etc to their workers."

3. In view of the statement made by the 1st respondent in the aforesaid paragraph, the writ petition is closed without prejudice to the petitioner's contentions before the Industrial Tribunal in the industrial dispute.

Accordingly, writ petition is closed. No Costs. Consequently connected WMPs' are closed.

14.02.2024

dsn



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To

The Assistant Labour Commissioner (Central)
Office of the Deputy Chief Labour Commissioner (Central)
Ministry of Labour and Employment,
No.4, Haddows Road,
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N.MALA,J.

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