



W.P.Nos.16015 & 33245 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.Nos.16015 & 33245 of 2022
and W.M.P.Nos.15344 to 15346 of 2022

W.P.No.16015 of 2022

1.A.Chellappandi

2.V.Natesan

3.N.Muruganantham

4.T.N.Kumarasan

5.C.Kichenarajdou

6.B.Sivakumar

7.N.Mathiazagan

8.T.Natarajan

9.D.Ravichandran

10.A.Ravi



W.P.Nos.16015 & 33245 of 2022

WEB COPY

11.M.Sitrarasu

12.R.Asokan

13.N.Srinivasaragavan

14.T.Sivaraj

... Petitioners in both W.P.Nos.

Vs.

1.The Secretary [Co-Operation],
Government of Pondicherry,
Pondicherry.

2.The Registrar of Co-Operatives Society,
Government of Pondicherry,
Pondicherry.

3.The Managing Director,
M/s.Jayaprakash Narayan Co-Operative Spinning Mills Limited,
Keezhmanai,
Neravy,
Karaikkal.

4.The Administrator,
M/s. Jayaprakash Narayan Co-Operative Spinning Mills Limited,
Keezhmanai,
Neravy,
Karaikal.

... Respondents in both W.P.Nos.

Prayer in W.P.No.16015 of 2022 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the



W.P.Nos.16015 & 33245 of 2022

respondents to pay the petitioners their unpaid salary from the year 2011 along with interest at 12% per annum.

Prayer in W.P.No.33245 of 2022 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd and 4th respondents to allow the petitioners to join duty and continue to work.

For Petitioners : Mr.P.K.Rajesh Praveen Kumar
(in both W.P.Nos.)

For R1 & R2 : Mr.V.Vasanth Kumar
(in both W.P.Nos.) Additional Government Pleader

For R3 : Mr.N.D.Sivakumaran
(in both W.P.Nos.)

For R4 : No appearance.
(in both W.P.Nos.)

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ORDER

W.P.No.16015 of 2022 is filed to direct the respondents to pay the petitioners their unpaid salary from the year 2011 along with interest at 12% per annum.

2.W.P.No.33245 of 2022 is filed to direct the 3rd and 4th respondents to allow the petitioners to join duty and continue to work.



W.P.Nos.16015 & 33245 of 2022

3. According to the petitioners, the petitioners are the permanent employees of the third respondent, which was started in the year 1995. The petitioners 1 to 13 joined service on or before 1996 and had completed almost 29 years of service. These petitioners were the pioneers who had labored day and night for the flourishing of the said mill. Due to poor management from the year 2011, irregularities in salary payments started. In all these years with low salary, poor management and ill-treatment, the workers worked hard with integrity. Due to poor financial condition, the mill was closed from 28.06.2021 to 16.03.2022 and thereafter with financial aid from the Government the mill resumed its operations from 17.03.2022. The petitioners demanded the pending salaries in order to resume work. In the said circumstances, W.P.No.16015 of 2022 was filed. Further the petitioners approached the Management to allow them to work but the Management directed the petitioners to withdraw the aforesaid writ petition so as to consider their request. Therefore the petitioners filed the second writ petition in W.P.No.33245 of 2022.



W.P.Nos.16015 & 33245 of 2022

WEB COPY

4. On 12.03.2024, when the writ petitions were taken up for hearing the petitioner's Counsel submitted that the petitioners were willing to resume work and negotiate with the Management on pending wages. This Court directed the petitioners to file an affidavit to the effect. The petitioners filed affidavit stating that the petitioners were willing to negotiate with the third respondent regarding pending salary and pay protection. The petitioners also assured the third respondent of their dedicated service. The petitioners further expressed their willingness to withdraw W.P.No.16015 of 2022.

5. The third respondent on instructions submitted that the third respondent was willing to take back the petitioner for work, but without prejudice to its right to continue the disciplinary proceedings already initiated against the petitioners. It was further submitted that the liberty sought for in the case of four petitioners who attained superannuation to agitate their case separately may be given.



W.P.Nos.16015 & 33245 of 2022

6. In view of the above submissions, liberty is given to the four petitioners who attained superannuation to agitate their case separately. The third respondent is directed to allow the petitioners to join duty and continue to work but without prejudice to its right to continue the disciplinary proceedings already initiated against the petitioners.

7. With the above observations, W.P.No.33245 of 2022 stands disposed of. W.P.No.16015 of 2022 is dismissed as withdrawn in view of the endorsement so made by the learned counsel for the petitioners. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions stands closed.

28.03.2024

NOTE: ISSUE ORDER COPY ON 26.06.2024

Index : Yes / No

Internet : Yes / No

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To

1. The Secretary [Co-Operation],
Government of Pondicherry,
Pondicherry.

2. The Registrar of Co-Operatives Society,



W.P.Nos.16015 & 33245 of 2022

Government of Pondicherry,
Pondicherry.

3. The Managing Director,

M/s. Jayaprakash Narayan Co-Operative Spinning Mills Limited,
Keezhmanai,
Neravy,
Karaikkal.

4. The Administrator,

M/s. Jayaprakash Narayan Co-Operative Spinning Mills Limited,
Keezhmanai,
Neravy,
Karaikal.

N.MALA, J.

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W.P.Nos.16015 & 33245 of 2022



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W.P.Nos.16015 & 33245 of 2022

28.03.2024