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WP Nos.10019 & 10020 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHACHAKRAVARTHY

**Writ Petition Nos.10019 & 10020 of 2014
and
MP Nos.1 & 1 of 2014**

W.P.No.10019 of 2014

The Management of
The Lakshmi Mills Company Limited
Palladam Branch
K.N.Puram,
Palladam 641 662
rep. by its
Vice President -Operations

... Petitioner

versus

1. The Deputy Commissioner of Labour,
Appellate Authority under the Tamil Nadu
Payment of Subsistence Allowance Act
Dr. Balasundaram Salai,
Coimbatore - 18.
2. The Assistant Commissioner Labour
Controlling Authority under the Tamil Nadu
Payment of Subsistence Allowance Act
Dr. Balasundaram Salai,
Coimbatore - 18



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3. C.Arumugham (PSA No.25/10)

4. A.Raju (PSA No.26/10)

5. R. Kamalaselvan (PSA No.27/10)

6. C. Kumarakannan (PSA No.28/10)

7. P. Naventhiran (PSA No.29/10)

8. M.Shanmugham (PSA No.30/10)

9. R.Devadoss (PSA No.31/10)

10. P.Saravanakumar (PSA No.32/10)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the 1st respondent in APSA No.2 of 2013 and quash its order dated 24.02.2014 confirming the order of the 2nd respondent dated 18.12.2012 in PSA Nos.25/10 to 32/10.

W.P.No.10020 of 2014

The Management of
The Lakshmi Mills Company Limited,
Palladam Branch,
K.N.Puram,
Palladam 641 662
rep.by its Vice President Operations

... Petitioner

/Vs./

1 The Deputy Commissioner of Labour
Appellate Authority Under The Tamilnadu
Payment of Subsistence Allowance Act
Dr.Balasundaram Salai, Coimbatore 18



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2 The Assistant Commissioner Labour
Controlling Authority Under The Tamilnadu
Payment of Subsistence Allowance Act
Dr.Balasundaram Salai , Coimbatore 18

3 M. Shanmugham (PSA.No. 12 /11)

4 T.Rajendran (PSA.no. 13 /11)

5 S. Viswanathan (PSA.No. 14 /11)

6 V.Rajasekar (PSA.No. 15 /11)

7 N. Veerasamy (PSA.No. 16 /11)

8 K.Selvaraj (PSA.No. 17 /11)

9 N.Sakthivel (PSA.No. 18 /11)

10 P.Udhayakumar (PSA No. 19 /11)

11 S.Sivakumar (PSA.No. 20 /11)

12 R.Mahendran (PSA.No.21 /11)

13 K.Balakrishnan (PSA.No. 22 /11)

14 R.Sureshkumar (PSA.No.23/11)

15 L.Malayandi (PSA.No.24/11)

16 D.Ravichandran (PSA.No.25 /11)

17 P.Naventhiran (PSA.No.26 /11)

18 R.Kamalaselvan(PSA.No.27 /11)

19 A.Raju (PSA.No.28 /11)



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20 V. Selvaraj (PSA.No.29 /11)

21 A.Ponnusamy (PSA.No.30 /11)

22 K.Chandrasekar (PSA.No.31 /11)

23 P.Velusamy (PSA.No.32 /11)

24 R.Devadoss (PSA.No.33 /11)

25 P.Palaniswamy (PSA.No.34 /11)

26 C.Kumarakannan (PSA.No.35 /11)

27 S.Olimuthu (PSA.No. 36 /11)

28 A.Shanmugham (PSA.No.37 /11)

29 N.Sankaralingam (PSA.No.38 /11)

30 V.Jestinraj (PSA.No.39 /11)

31 C.Arumugham (PSA.No. 40 /11)

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the 1st respondent in APSA NO.1 of 2013 and quash its order dated 24.2.2014 confirming the order of the 2nd respondent dated 28.11.2012 in PSA Nos. 12/11 to 40/11.

For Petitioner
in both W.Ps.

: Ms S.B.Keerthana
for M/s.T.S.Gopalan and Co.

For Respondents
in both W.Ps.

: Mr. K.Tamilvendan
Government Advocate



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COMMON ORDER

When these writ petitions came up for hearing, a memo is filed on behalf of the learned counsel for the petitioner, which reads as follows:

W.P.No.10019 of 2014

" The writ petition has been filed against the order dated 24.02.2014 passed under the Tamil Nadu Payment of Subsistence Allowances Act, 1981 in favur of 08 workmen. The petitioner states that out of the total 08 workmen except for respondent no.5 all the others have settled the dispute with the petitioner and the settlements have been filed with the supporting documents for approval. The respondent No.3 has till date not approached the petitioner claiming any relief in terms of the impugned order and in fact have not appeared before this Hon'ble Court.

The petitioner may hence be permitted to withdraw the writ petition with liberty to restore if the respondent no.3 comes forward to make any claim in future in terms of the order impugned ."



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" The writ petition has been filed against the order dated 24.02.2014 passed under the Tamil Nadu Payment of Subsistence Allowances Act, 1981 in favur of 29 workmen. The petitioner states that out of the total 29 workmen except for respondent no.12, 13, 14, 18, 23, 27 and 29 all the others have settled the dispute with the petitioner and the settlements have been filed with the supporting documents for approval. The 7 respondents have till date not approached the petitioner claiming any relief in terms of the impugned order and in fact have not appeared before this Hon'ble Court.

The petitioner may hence be permitted to withdraw the writ petition with liberty to restore if the 7 respondents come forward to make any claim in future in terms of the order impugned ."

2. None appears on behalf of the workmen concerned. Since it is now clear from the memo filed by the learned counsel for the petitioner in both the writ petitions that except respondent no.5 and except respondent nos.12, 13, 14, 18, 23, 27 & 29 respectively, all the others have settled the dispute with the petitioner and the said respondent no.5 and except respondent nos.12, 13, 14, 18, 23, 27 & 29 are not coming forward and approaching the management inspite of the efforts of the management.



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3. Recording the said memos, these writ petitions are dismissed as withdrawn by giving liberty to the management to restore the writ petitions as prayed for in the memo, in case, the respondent no.5 in W.P.No.10019 of 2014 and respondent nos. 12, 13, 14, 18, 23, 27 & 29 do not approach them for settlement, but however choose to contest the matter.

04.11.2024

Neutral Citation : No

mrp

To

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D.BHARATHA CHAKRAVARTHY, J.

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