



W.P.Nos.6038 and 6039 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6038 and 6039 of 2018

And

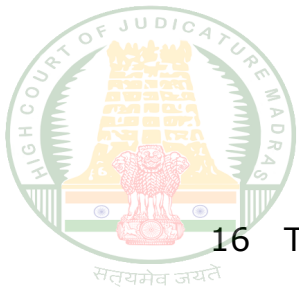
W.M.P.Nos.7439 and 7440 of 2018

M/s.Bona Venture Shoes Pvt. Ltd.,
No.12/130, Venkatasamuduram Village Road,
Ambur – 635 802
Rep. by its Manager ... Petitioner in W.P.6038/2018

M/s.S.S.C.Shoes Private Ltd.,
No.12/130, Venkatasamuduram Village Road,
Ambur – 635 802
Rep. by its Manager ... Petitioner in W.P.6039/2018

Vs.

- 1 Assistant Commissioner of Labour
Vellore – 1. ... Respondent in both the W.Ps.
- 2 C.Thavakumar
- 3 T.Dhanraj
- 4 K. Gandhi
- 5 M. Sankar
- 6 V.Sankar
- 7 M. Sundar
- 8 K. Shainaz Begam
- 9 M. Paranthaman
- 10 K. Ramu
- 11 K.Perumal
- 12 S.Rajiniganth
- 13 D.Ramamoorthy
- 14 R.Lakshmi
- 15 A.Karpagam



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16 T.M.Selvaraj

17 G.Eswaran

18 M.Pandiyan

19 K.Saraswathy

20 S.Santhi

21 L.Sivakumar

22 C.Pathma

23 G.Arumugam

24 C.Chand Bhasa

25 S.Sathyamoorthy

26 G.Deiva

27 B.Pathma

28 R.Gopal

... Respondents in W.P.6038/2018

2 J.Vijaya

3 Deepa

4 G.Karthick

5 R.P.Lakshmi

6 R.Chakravarthi

7 Maheswari

8 S.Santhakumar

9 P.Balaji

10 S.Sivakumar

11 M.Viswanathan

12 K.Puratchi Tamilan

13 Vennila

14 K.Sathya

15 M.Jayaprakash

16 G.Rajendran

17 N.Usha

18 K.M.Dharanesh

19 N.Mala

20 V.Lalitha

21 S.Karthick

22 M.S.Dilip Kumar

23 M.R.Jayanthi

24 S.Kumaran

25 Sankar

26 K.Nathiya



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27 Munna Basha

... Respondents in W.P.6039/2018

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Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari and call for the records and quash the order dated 27.03.2017 passed in PSA No.30/13 to PSA No.56/13 and PSA No.2/13 to PSA No.27/13 respectively, by the first respondent Assistant Labour Commissioner, Vellore – 1.

For Petitioners : M/s.Gupta and Ravi
in both the W.Ps.

For Respondents : Mr.K.Surendran for R1
Additional Government Pleader
Mr.R.Sankara Subbu for R2 to R28
R25 – Tapal returned with
endorsement deceased
in W.P.No.6038 of 2018

Mr.K.Surendran for R1
Additional Government Pleader
Mr.R.Sankara Subbu for R2 to R27
in W.P.No.6039 of 2018

COMMON ORDER

The writ petitions have been filed seeking issuance of Writ of Certiorari and call for the records and quash the orders dated 27.03.2017 passed in PSA No.30/13 to PSA No.56/13 and PSA No.2/13 to PSA No.27/13 respectively, by the first respondent Assistant Labour



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Commissioner, Vellore – 1.

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2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

3.The learned counsel appearing for the petitioners submitted that the private respondents filed applications under the Tamil Nadu Payment of Subsistence Allowance Act, 1981 as if they were placed under suspension and subsistence allowance was not paid and the first respondent allowed the said applications without providing opportunity to the petitioners. The learned counsel further submitted that though the said applications were pending before the first respondent for more than three years, the petitioners did not take effective steps to argue the case before the first respondent. The learned counsel further submitted that the petitioner is now ready to pay a sum of Rs.10,000/- as costs to each of the employee and hence this Court may set aside the impugned orders and remand the matter back to the first respondent for fresh adjudication and permit the petitioner to adduce evidence and similarly this Court may direct the first respondent to give opportunity to the private respondents and to dispose of the applications filed under the Tamil Nadu Payment of Subsistence



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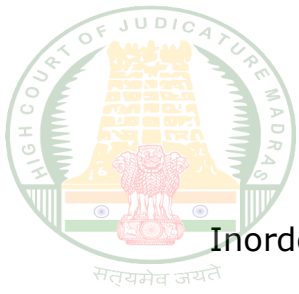
Allowance Act, 1981, within a reasonable time frame.

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4.The learned counsel appearing for the private respondents vehemently contended that the private respondents were placed under suspension in the year 2008, however they filed applications under the Tamil Nadu Payment of Subsistence Allowance Act, 1981 only in the year 2013 and since the first respondent was not available, the applications were pending before the first respondent from 2013 and were disposed of in the year 2017 and the petitioners changed three counsel inorder to drag on the proceedings and the delay is due to the petitioners which cannot be put against the private respondents and prayed for dismissal of the writ petitions.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Admittedly, the private respondents filed applications under the Tamil Nadu Payment of Subsistence Allowance Act, 1981 in the year 2013 though the private respondents were placed under suspension in the year 2008. Though opportunity was given to the petitioners to put forth their case, they did not avail the opportunity.



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In order to give one more opportunity, this Court is inclined to set aside the impugned orders and remand the matter back to the first respondent for fresh adjudication.

7. Accordingly, the orders dated 27.03.2017 passed in PSA No.30/13 to PSA No.56/13 and PSA No.2/13 to PSA No.27/13 respectively, by the first respondent are set aside and the matter is remitted back to the first respondent for fresh adjudication. The petitioners are directed to pay a sum of Rs.10,000/- to each of the employees/ private respondents, within a period of one week from the date of receipt of a copy of this order and produce receipt for such payment before the first respondent. If any of the employee/ private respondent had passed away, the petitioner shall pay the amount of Rs.10,000/- to the legal heir of the said employee/ private respondent.

8. On production of proof for such payment by the petitioners, the first respondent shall dispose of PSA No.30/13 to PSA No.56/13 and PSA No.2/13 to PSA No.27/13 respectively, after providing opportunity to the petitioners as well as private respondents by permitting them to produce oral and documentary evidence, within a period of four weeks from the date of production of proof for such



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payment by the petitioners.

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9.The writ petitions are disposed of with the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

28.03.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Assistant Commissioner of Labour
Vellore – 1.



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M.DHANDAPANI,J.
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And
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