



W.P.Nos.5291, 5295 & 5297 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.5291, 5295 & 5297 of 2025

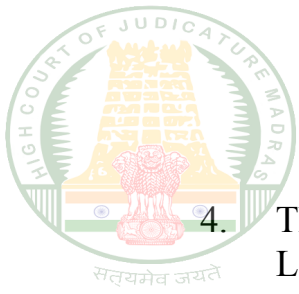
S.Durailingam,
Secretary, Spinco Bharatiya Thozhilalar Sangam,
No.46, Main Road, Mariyamman Koil Street,
Lawspet, Puducherry – 605 008. ...Petitioner in W.P.No.5291 of 2025

V.Sivasankaran ...Petitioner in W.P.No.5295 of 2025

S.Murugan,
President, SPINCO Labour Union (SLU),
38 Kalayanasundaram Street, Anandha Nagar,
Kathirkamam, Pondicherry – 605 009. ...Petitioner in W.P.No.5297 of 2025

Vs.

1. Union of India,
Rep. by its Secretary,
Ministry of Home Affairs,
New Delhi.
2. Chief Secretary,
Government of Puducherry,
Puducherry.
3. Secretary to Co-operative Societies,
Chief Secretariat,
Government of Puducherry,
Puducherry.



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4. The Labour Commissioner,
Labour Department,
Government of Puducherry,
Puducherry.

5. The Registrar of Co-operative Societies cum Administrator,
The Pondicherry Co-op Spinning Mill Employees
Co-operative Credit Society Ltd.,
Government of Puducherry,
V.V.P. Nagar, Thatanchavady, Puducherry – 605 009.

6. The Managing Director,
Pondicherry Spinning Mills,
Thirubhuvanai, Pondicherry.

...Respondents

Common Prayer: Writ Petitions filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus to direct the respondents to pay the pending salary of the employees accrued during the period of lay-off from May 2012 to September 2012 along with unpaid salary for the employment rendered during the period November 2019 to February 2020 and the Covid-19 salary for the period March 2020 to September 2020.

In all W.P's.:

For Petitioner : Mr.V.Balamurugan

For Respondents : Mr.K.Subbu Ranga Bharathi, for R1
: Mr.V.Vasanthakumar, AGP(P), for R2 to R4



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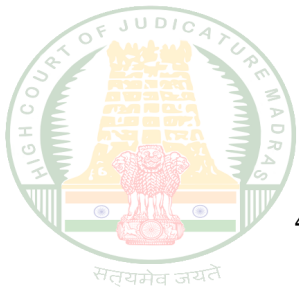
COMMON ORDER

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Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The petitioners have filed these Writ petitions seeking direction to the respondents to pay the pending salary of the employees accrued during the period of lay-off from May 2012 to September 2012 along with unpaid salary for the employment rendered during the period November 2019 to February 2020 and the Covid-19 salary for the period March 2020 to September 2020.

3. Mr.K.Subbu Ranga Bharathi, learned counsel takes notice on behalf of the 1st respondent, Mr.V.Vasanthakumar, learned Additional Government Pleader(Puducherry) takes notice on behalf of the respondents 2 to 4 in all Writ petitions. In view of the consent expressed by the learned counsel on either side, these Writ petitions are taken up for final disposal at the admission stage itself.



4. Since no adverse order is being passed against the 5th and 6th respondents, notice to the 5th and 6th respondents is dispensed with.

5. The case of the petitioners is that the Pondicherry Co-operative spinning Mill is a registered Co-operative Society under the Puducherry Co-operative Societies Act, 1972 and the said Mill commenced its commercial production with effect from 19.03.1984 and the same is under the supervision of the 5th & 6th respondents and it is administered and funded by the Government of Puducherry having its major share of 91%. The Mill was profitably running until 2011, thereafter, due to financial crisis, the 6th respondent had declared lay off from 22.02.2012 to 29.02.2012 and for the subsequent period from 01.03.2012 till further information with regard to the same is made in the public domain and on the same date, the 6th respondent submitted a letter dated 29.02.2012 to the 4th respondent, wherein, the reason for the lay-off is cited to be "Financial Crisis". The 6th respondent having admitted that the lay-off salary for the said period remains unpaid to the employees of the mill, had admitted to the fact that the then Managing Director for the 6th respondent mill had drawn a salary of Rs.1,86,590/- for



the period between March 2012 and August 2012. The 6th respondent had admitted to the fact of non-payment of salary/wages to the employees for the period between November 2019 and February 2020, vide P.C.S.M.No I.D. No.13/2020, dated 20-01-2021. Subsequent to that admission of the non-payment of the salary for the said period, a representation dated 10.02.2021 was submitted to the 6th respondent management for the remittance of the said salary. The 6th respondent had admitted that the salary for the Covid-19 period will be remitted in favor of the employees after due consultation with the Government of Puducherry, which is absolutely contrary to the Circular, dated 30.03.2020, issued by the Labour Department, Government of Puducherry. Hence, the petitioners have come up with these Writ Petitions.

6. Learned counsel for the petitioners submitted that, by letter dated, 12.04.2021, though the Inspector of factories had made an observation that the 6th respondent had admitted to settle the salary dues and a proposal to that effect is submitted to the Government of Puducherry for the disbursal of the pending salary, the proposal remains unattended till the present. Hence, the learned counsel for the petitioners submitted that, it would suffice, if this



Court issues direction to the respondents to pay the pending salary of the employees accrued during the period of lay-off from May 2012 to September 2012 along with unpaid salary for the employment rendered during the period November 2019 to February 2020 and the Covid-19 salary for the period March 2020 to September 2020 to the petitioners as expeditiously as possible, by considering the representation dated 10.02.2021.

7. On the above said contentions, heard learned counsel appearing on behalf of the respective respondents and perused the materials available on record.

8. In view of the limited request made by the learned counsel for the petitioners, this Court without going into the merits of the case, directs the 6th respondent to consider the representation dated 10.02.2021 on merits and in accordance with law and settle the eligible wages to the respective workmen within a period of four (4) weeks from the date of receipt of a copy of this order.



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9. With the above directions, these Writ Petitions stand disposed of. No costs.

17.02.2025

skt

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

To:

1. Union of India,
Rep. by its Secretary,
Ministry of Home Affairs,
New Delhi.
2. Chief Secretary,
Government of Puducherry,
Puducherry.
3. Secretary to Co-operative Societies,
Chief Secretariat,
Government of Puducherry,
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4. The Labour Commissioner,
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M.DHANDAPANI, J.

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Co-operative Credit Society Ltd.,
Government of Puducherry,
V.V.P. Nagar, Thatanchavady, Puducherry – 605 009.
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