



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 15.04.2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.12385 of 2025 and
W.M.P.No.13983 of 2025

1 Puducherry Manila Bharathiya
Pontex Uzhiyargal Sangam (BMS)
Rep. By its President
K.Azhagappan
S/o.Krishnasamy, 44
Elango Adigal Veedhi Muthirayarpalayam
Puducherry-605 009.

2 S.Sivakumar

... Petitioner

Vs.

1 Union Territory of Puducherry
Rep. by the Chief Secretary
Government of Puducherry
Chief Secretariat, Beach Road,
Puducherry-605 001.

2 Pondicherry State Weavers Co-Operative Society,
Rep. by the Managing Director,
Industrial Estate, Thattanchavadi,
Puducherry-605 009.

3 The Registrar of Co-operative Societies
Co-operative Department,
Government of Puducherry,
D-lane V.V.P Nagar,
Thattanchavadi Puducherry-605 009.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India,



praying for the issuance of Writ of Mandamus, directing the 2nd respondent to immediately disburse the monthly wages pending from the month of June 2020 due to the petitioners and to make pending contributions to the Employees' Provident Fund from the month of January 2020.

For Petitioners : Mr.S.Subramanian

For Respondents : Mr.V.Vasantha kumar

Additional Government Pleader (Puducherry)

ORDER

The Writ petition has been filed seeking a direction to the 2nd respondent to immediately disburse the monthly wages pending from the month of June 2020 due to the petitioners and to make pending contributions to the Employees' Provident Fund from the month of January 2020.

2. The brief facts of the case are as follows:

The Petitioner Union is registered under the provisions of the Trade Union Act, 1926 and its Registration Number is 1895/RTU/2022. The Petitioner Union comprises the employees who are working under the 2nd Respondent. Though the employees are serving the institution for a long time in unblemished manner, they have not been paid monthly wages from the month of June 2020 to this date and there are also contributions pending towards EPF. In spite of repeated requests and demands, the Respondents have



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not paid to the same which causes severe mental agony and ignominy to the

Petitioners. Hence Petitioners were constrained to file W.P.No.25801 of 2022

in which this Court was pleased to direct the 2nd Respondent to consider their

representations and pass appropriate orders in accordance with law within a

period of eight weeks vide Orders dated 26.09.2022. In compliance of the

same, the 2nd Respondent has passed the order in Pu.Ma.Ne.Koo.Sa/Nirvagam/

A1/8227/2022 dated 31.01.2023 expressing the difficulties to make payment

citing the bad financial state of the institution. Hence the Writ Petition.

3. The learned counsel for the petitioner submitted that the 2nd Respondent having admitted the dues for which the members of the petitioner Union are entitled to, ought to have chosen certain way to clear the dues instead of pointing the uncertain financial status of the Institution. Hence, he prays for allowing the Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents produced a letter dated 05.04.2025 sent by the second Respondent stating that the EPF Authority had inspected and submitted the report of the EPF Contribution upto December 2019 during which period, they have paid a sum of Rs.50,00,000/- on 30.01.2025 towards EPF Contribution from April



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2018 to December 2019 and the balance amount for the remaining period

would be paid based on the financial position of the society. The learned counsel also submitted that the 2nd Respondent has also paid salaries to their employees till May 2020 on 12.02.2025 and assured to pay EPF and Salary arrears after restoring the financial position of the society as early as possible. However, the prayer sought for in this writ petition is disputed question of fact which cannot be adjudicated before this Court.

5. Heard the learned counsel for the petitioner as well as the Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. Non payment of the wages and PF contribution, the petitioner has filed the present writ petition. As rightly submitted by the learned Additional Government Pleader, the prayer sought for by the petitioner is disputed question of fact, which cannot be adjudicated before this Court by way of filing mandamus. If EPF contribution has not paid by the petitioner, the authorities have power to initiate proceedings under Section 7(a) of the EPF Act, in which, the petitioner Sangam is entitled to participate in the proceedings. For non payment of the wages, the petitioner has to raised a dispute before the Labour



Court under Section 33(c)(2) of the ID Act. Without filing the ID, the petitioner

WEB SANGAM has filed the present petition which is not sustainable and the same is liable to be dismissed.

7. Accordingly, the Writ Petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

15.04.2025

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M.DHANDAPANI,J.

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