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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.23853 of 2022

P.Perumal

... Petitioner

Vs

The Managing Director/Special Officer,
Management of Salisbury Industrial
Co-operative Tea Factory Limited,
Gudalur, Nilgiris – 643 212.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to pay to the petitioner a sum of Rs.9,18,799/- towards statutory dues such as balance wages, leave encashment amount and other benefits amount (bonus, incentive wage, uniform allowance, quota allowance, umbrella allowance & shoe allowance & Switter allowance) with interest at the rate of 12% p.a. For the period from 01.03.2014 to 31.05.2022 which comes to Rs.11,64,291/- due and payable to the petitioner as shown in the statement annexed in the typed set within a time to be fixed by this Hon'ble Court.

For Petitioner : Mr.K.Lavan
For Respondent : Mr.R.Sivakumar for
M/s.Siva and Sesu Associates

ORDER



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This Writ Petition has been filed to direct the respondent to pay to the petitioner a sum of Rs.9,18,799/- towards statutory dues as balance wages, leave encashment and other benefits with interest at the rate of 12% per annum for the period from 01.03.2014 to 31.05.2022 which comes to Rs.11,64,291/-.

2. When the matter was taken up for hearing, the learned counsel appearing for the respondent raised an objection regarding the maintainability of the writ petition. He pointed out that the petitioner had already filed a contempt petition before this Court, in which the Court directed the petitioner to approach the competent forum for adjudication with respect to the quantum of amount to be settled. Despite that direction, the petitioner has again filed the present writ petition. Therefore, he prayed that the writ petition be dismissed as not maintainable.

3. The learned counsel appearing for the petitioner would submit that, since the respondent refused to pay the amount claimed in the writ petition, the petitioner was constrained to approach this Court seeking appropriate direction under Article 226 of the Constitution of India.

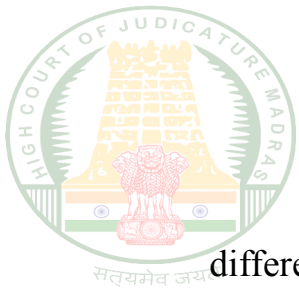


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4. This Court heard both sides. As far as the jurisdiction under Article 226 of Constitution of India is concerned, it is a well-settled principle of law that disputed question of fact cannot be adjudicated in a writ petition filed under Article 226 of the Constitution of India. If the petitioner has any grievance, they can approach the appropriate forum under the relevant laws. This Court also perused the order passed by this Court in Contempt Petition, wherein, this Court in Contp.No.1522 of 2015 by order dated 04.10.2019 in para no.4, held as follows:

“4. The learned counsel appearing on behalf of the petitioner states that there is a difference in calculation of the settlement amount. If there is no specific orders in the writ petition regarding the quantum of amount to be settled. The amount settled now is as per the calculation made by the respondent/Management. Thus, in the event of claiming any difference, it is left open to the contempt petitioner to approach the competent forum for adjudicating those issues. However, this Court cannot adjudicate the quantum of claim now set out by the contempt petitioner in this contempt petition.”

5. Therefore, as rightly observed by this Court in contempt petition, that there was no specific orders in the writ petition regarding the quantum of amount to be settled. The amount settled now is as per the calculation made by the respondent/Management. Thus, in the event of claiming any



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difference, it is left open to the contempt petitioner to approach the competent forum for adjudication of the issues. Therefore, the writ petitioner ought to have approached the appropriate forum for adjudication and the disputed facts cannot be decided by this Court. Therefore, this writ petition is not maintainable. The petitioner is at liberty to approach the appropriate forum in accordance with law. However, the learned counsel appearing for the petitioner submitted that there are certain outstanding dues pertaining to provident fund, gratuity and other retirement benefits. If so, the petitioner can approach the appropriate authorities for redressal of those claims.

6. The learned counsel appearing for the respondent submitted that they are ready to co-operate for disposal of any other claims to be settled to the petitioner.

7. With the above said observation, this writ petition is disposed of.
No costs.

10.07.2025

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To

1.The Deputy Chief Labour Commissioner (Chennai)
Appellate Authority under the Payment of
Gratuity Act, 1972
No.4, Haddows Road,
Shastri Bhavan, Nungambakkam,
Chennai – 600 006.

2.The Assistant Labour Commissioner (Central)
Controlling Authority under the Payment of
Gratuity Act, 1972
No.4, Haddows Road,
Shastri Bhavan, Nungambakkam,
Chennai – 600 006.

P.DHANABAL, J.,



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