

Petitioner Vs. Respondents

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Court : Chennai

Decided On : Nov-04-2016

Judge : M. Sathyanarayanan & T.S. Sivagnanam

Appeal No. : Sub-Application Nos. 510 & 511 of 2015 & in Cont. P. Nos. 240 of 2006

Appellant : Petitioner

Respondent : Respondents

Judgement :

T.S. Sivagnanam, J.

1. Reference may be made to the earlier order dated 01.09.2016. It is heartening to note that in pursuant to the directions issued earlier by this Court, the parties were able to implement the order and with the active participation of the officers of EPF organization as well as the Tahsildar and Revenue officials, the Management has been able to take possession of the premises. It is submitted that there is an encroachment in the property and one person said to be squatting in the property, effected temporary construction and has parked his vehicles. If the management files appropriate petition in this regard supported by proper affidavit, this Court would consider the same on the next hearing date, as to the directions to be issued in the said matter.

2. With regard to the settlement of dues to the employees Union insofar as Macneil and Magor Kilburn Company Thozhilalar Nalasangam, which is represented by its Counsel Mr.S.Saravanan is concerned, they have entered into a settlement with the Management and the balance amount payable to the 2

members has been mutually agreed as Rs.75 lakhs i.e., after giving credit to an amount of Rs.55 lakhs disbursed and paid and Rs.20 lakhs deposited. The Management has made an offer that they will pay the entire Rs.75 lakhs to the members of the Macneil and Magor Kilburn Company Thozhilalar Nalasangam by 31st of January 2017. However, the Employees Union represented by its Counsel Mr.K.M.Ramesh has certain reservations on such proposal made by the management. The members of the Employees Union have received Rs.55 lakhs and Rs.20 Lakhs has been deposited to the credit of the Labour Court, pursuant to the directions issued by this Court in the earlier order dated 01.09.2016 for which application for payment out is to be made by the Union.

3. It was explained to Mr.A.Sachidanandam, General Secretary, Macneil and Magor Kilburn Electrical Employees Union who is present in Court that it would be beneficial for their members to accept the offer of the Management leaving open the issue regarding Provident Fund dues.

4. The bone of contention appears to be on the Provident Fund dues. The Management has certain reservations as regards the accounts maintained by the EPF organization stating that they are inaccurate. However, this issue 3

cannot be sorted out unless and until a joint meeting is arranged between the officers of the EPF organization, representatives of the Management and representatives of both Unions. Mr.A.P.Suryaprakasam, learned Standing Counsel for EPF would submit that appropriate directions may be issued in this regard, so that meeting can be convened to facilitate the process of settlement.

5. In the light of the above, the learned counsel for the Employees Unions shall get instructions from their respective clients on the proposal made by the management and revert back in this regard and inform the Court about their stand on the next hearing date.

6. With regard to the issue pertaining to Provident Fund, from the Minutes of the Meeting held on 05.08.2016 under the Chairmanship of Regional Provident Fund Commissioner-I, Chennai, it is seen that amount lying with the Provident Fund Authorities has been set out. However, the Management would submit that unless and until working is given as to how adjustments are going to be made to each members account, the Management will not be in a position to point out any error or discrepancy. Therefore, it has become imminently necessary to convene a meeting of all the stakeholders. 4

7. Accordingly, we direct the Regional Provident Fund Commissioner-I, Chennai to convene a meeting, where the representatives of the Management, representatives of both the Unions will participate, in which the Provident Fund Organisation shall furnish the workings to show as to how adjustments are made to each member account for the period 01.06.1990 to November 1999 (tentative period). Such meeting shall be convened within a period of three weeks from today.

8. The Employees' Provident Fund Organization, through its appropriate officer, shall file a report as regards the directions given in the earlier order of this Court dated 01.09.2016.

Call on 18.11.2016. Registry is directed to print the name of Mr.A.P.Suryaprakasam, learned Standing Counsel for EPF Organisation.

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