

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.11623 of 2015
and

M.P.Nos.1 & 2 of 2015

The Management of Kalaimagal Gas Service
rep.by its Partner P.Saravanakumar
58, Sathy Road, Veerappan Chathiram
Erode-638 004 ...Petitioner

vs.

1. Authority under Minimum Wages Act, 1948
Deputy Commissioner of Labour
Salem

2. M.Chandrasekar ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Certiorari to call for relevant and connected records relating to the impugned order passed in M.W.I.A.No.24/2014, dated 29.09.2014, on the file of the first respondent and to quash the same.

For Petitioner : Mr.C.E Pratap

For Respondents : Mr.M.S.Ramesh, A.G.P. for R1
Mr.R.Krishnaswamy for R2

O R D E R

The prayer in the writ petition is for issuance of a writ of certiorari to quash the impugned order, dated 29.09.2014, passed in M.W.I.A.No.24 of 2014, whereby and whereunder the first respondent / Deputy Commissioner of Labour, Salem, allowed the interlocutory application filed by the second respondent, under Section 20(2) of Minimum Wages Act, 1948 and condoned the inordinate delay of 1350 days in filing the claim petition.

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

The second respondent filed an interlocutory application in M.W.I.A.No.24 of 2014, before the first respondent / Deputy Commissioner of Labour, Salem, to condone the delay of 1350 days in filing petition claiming minimum wages under the Minimum Wages Act, 1948. The petitioner Management resisted the same by filing counter affidavit. The first respondent, after hearing both sides and perusing the materials, by the impugned order, dated 29.09.2014, allowed the interlocutory application and condoned the delay of 1350 days. Challenging the same, the petitioner Management has filed the present writ petition.

3. When the matter was taken for hearing, the learned counsel on either side have jointly submitted that both the parties are ready to face the trial before the first respondent.

4. Recording the same, this writ petition is disposed of. The first respondent / Deputy Commissioner of Labour, Salem, is directed to dispose of the case in M.W.No.75 of 2014, on merits and in accordance with law, within a period of three months, from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

krk

To

The Deputy Commissioner of Labour,
Salem.

1 CC to Mr.C.E Pratap, Advocate SR.No. 35185

1 CC to M/s. V.Ajoy Khose, Advocate SR.No. 35333

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VD (CO)
PSI (07.12.2015)