

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.12077 of 2015

S.Munian

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Neyveli Lignite Corporation Ltd.,
Neyveli, Cuddalore District.
2. The Director (Personnel),
Neyveli Lignite Corporation Ltd.,
Neyveli, Cuddalore District.
3. The Chief Manager/Finance,
Accounts Centre,
Mine-II, Neyveli Lignite Corporation Ltd.,
Neyveli, Cuddalore District.

... Respondents

* * *

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents not to effect any deduction from the salary payable to the petitioner in contravention to the terms of order communicated to the third respondent by the Court of Subordinate Judge, Neyveli, on 01.12.2014 made in E.P.No.196 of 2014 in O.S.No.76 of 2012 on violation of Section 7(3)(i)(ii) of Payment of Wages Act, 1936.

* * *

For Petitioner : Mr.T.P.Prabakaran

ORDER

The petitioner is a workman employed in Neyveli Lignite Corporation. He is receiving about a sum of Rs.43,000/- as wages. He claimed that the deductions are made in violation of Section 7(3)(i)(ii) of the Payment of Wages Act, 1936 (hereinafter referred to as ('the Act')).

2. As per Section 1(6) of the Act, a workman, who receive more than Rs.6,500/- is excluded from the purview of the Act.

3. Section 1(6) of the Act is extracted hereunder :

"1(6). This Act applies to wages payable to an employed person in respect of a wages period if such wages for that wage period do not exceed six thousand five hundred rupees per month or such other higher sum which, on the basis of figures of the Consumer Expenditure Survey published by the National Sample Survey Organisation, the Central Government may, after every five years, by notification in the Official Gazette, specify."

Hence, I am of the view that the writ petition is not maintainable.

4. Further, the averment of the petitioner is that pursuant to an ex-parte order obtained by his wife dated 01.12.2014 in E.P.No.196 of 2014 in O.S.No.76 of 2012 from the Subordinate Court, Neyveli, some amount is deducted from his monthly salary, which is also violative of the Act.

5. When the Subordinate Judge passed an order in E.P. attaching a portion of the salary of the petitioner, the petitioner shall approach that Court to raise the attachment. Instead, he approached this Court seeking to get an order of stay of recovery of his salary.

6. When there is a valid order of the learned Subordinate Judge dated 01.12.2014 in E.P.No.196 of 2014 in O.S.No.76 of 2012, I am not inclined to entertain this writ petition.

7. Accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

gg

s/d-

Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To

1. The Chairman cum Managing Director,
Neyveli Lignite Corporation Ltd.,
Neyveli, Cuddalore District.
2. The Director (Personnel),
Neyveli Lignite Corporation Ltd.,
Neyveli, Cuddalore District.

3. The Chief Manager/Finance,
Accounts Centre,
Mine-II, Neyveli Lignite Corporation Ltd.,
Neyveli, Cuddalore District.

+ 1 cc to Mr.T.P.Prabakaran, Advocate SR 22826

ssi(co)
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