

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.400 of 2016
and
C.M.P.No.5835 of 2016

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

... Appellant/Petitioner

Vs.

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

2. M. Chandrasekar ... Respondents / Respondents

Writ Appeal preferred under Clause 15 of the Letters Patent
challenging the order of this court dated 13.07.2015 passed in
W.P.No.11623 of 2015 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
Respondent to quash the same.

For Appellant : Mr.C.E.Pratap

For Respondents : Mr.R.Krishnaswamy for R-2

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The instant appeal is directed against the order dated
13th July, 2015 passed in W.P.No.11623 of 2015.

2 The second respondent preferred a petition before the first respondent under the provisions of Section 20(2) of the Minimum Wages Act, 1948, claiming minimum wages, with a delay of 1350 days. The first respondent condoned the delay and accepted the petition being numbered as M.W.No.75 of 2014 for considering the case on merit.

3 Thereagainst, the appellant / management preferred the writ petition, questioning the legality and validity of the order, condoning the delay in entertaining the petition of the second respondent.

4 The learned Single Judge, considering the case of both parties, disposed of the writ petition, giving direction to the first respondent 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. Thus, the instant appeal.

5 The sole contention of the appellant is that the second respondent workmen has not properly explained the reasons for condoning the delay in filing the claim petition. Further, the claim petition should have been filed within six months from the date on which the minimum wages allegedly became payable. Thus, without disclosing proper sufficient cause, the first respondent has no justification to condone the delay.

6 We have examined the facts of the case. The case of the workman was that he was not aware of the Government order wherein minimum wages is fixed for delivery man. After coming to know about the same through his counsel, he had filed the claim petition with delay. Thus, the delay caused was on account of justifiable reasons.

7 Keeping in view the aforesaid background, the first respondent, exercising his power, found that sufficient cause has been shown to condone the delay. The second proviso to sub-section (2) of Section 20 empowers the authority to consider the application seeking the claim of payment of minimum wages after a period of six months on being satisfied on submission of sufficient cause. Thus, this is a case where the first respondent has exercised his power within his jurisdiction and also had satisfied himself with the reasons which were held as sufficient cause. It is for the management to implement the minimum wages as fixed by the government orders, which the management has failed to do, making the workman / second respondent to make a petition for implementation of the same. Thus, we do not find any infirmity, irregularity or illegality in the order sought to be impugned in the writ appeal.

8 Resultantly, the writ appeal stands dismissed. No costs. Consequently connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vvk

To

The Deputy Commissioner of Labour,
Salem.

1 cc to Mr.C.E.Pratap, Advocate, sr.20845
1 cc to Mr.V.Ajoykhose, Advocate, sr.21213

W.A. No.400 of 2016

gr co
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