

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.5385 of 2016
&
W.M.P.Nos.4696 and 4697 of 2016

Pondicherry Chamber of Industries
represented by its Secretary
Thiru Ve.Thirumal
having their office at
1st main road, PIPDIC Industrial Estate
Opposite, PIPDIC Administrative office
Mettupalayam, Pondicherry-605 009 ...Petitioner

Vs.

The Government of Puducherry
Represented by its Secretary to Government
Labour Department, Pondicherry ...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for the records on the file of the respondent in GO.MS/17/AIL/Lab/G/2015, dated 14.10.2015 and quash the proceedings therein as illegal, incompetent, unconstitutional and unreasonable.

For Petitioner : Mr.V.Srimathi

For Respondent : Ms.D.Reena Iswariya, AGP, Puducherry

O R D E R

Petitioner is an organisation called Pondicherry Chamber of Industries, said to consist of members who are engaged in manufacture of various chemicals and predominantly they are chemical industries. The petitioner association is aggrieved by the notification issued by G.O.Ms.No.17 dated 17.10.2015, by which the Government of Puducherry in exercise of the powers conferred under the Minimum Wages Act, 1948 has fixed wages for certain classes of employees.

2. The petitioner association would submit that the impugned Government order has been passed without taking into

consideration the realities faced by the chemical industries and the increase now proposed in the impugned notification is 300% more than the present wage structure. Further it is submitted that there is no parity in the increase of wages, when compared to the wages which had been fixed in the adjoining states, viz., States of Tamilnadu, Karnataka, Andhra Pradesh, and Kerala and this according to the petitioner is very relevant owing to the geographical location of Puducherry, Union Territory. Further, it is stated that the norms which are required to be followed prior to fixation of the wage structure, has not been adhered to and there was no effective public hearing and the members of the petitioner association who were infact aggrieved people were not consulted in the matter.

3. Learned Additional Government Pleader accepting notice on behalf of the respondent submitted that the petitioner association in the affidavit filed in support of the writ petition have admitted that the public notice was issued and meeting was convened by the Advisory Board on 11.08.2014. Therefore, it is submitted that the Government took note of all the objections and thereafter passed the impugned notification.

4. It may be true that the notice was issued and meeting was convened, but the petitioner would state that they are persons who are interested in the field and who are likely to be affected on account of the change of the rates. Therefore, they should be given an opportunity to put forth their grievances.

5. In the light of the same, this court at this stage, while rejecting the challenge to the impugned proceedings, directs the respondent to consider the petitioner representations dated 05.01.2016 and 07.01.2016 and communicate a reasoned order to the petitioner setting out the basis on which the impugned notification was issued and as to the tenability of the representation made by the petitioner. The above direction shall be complied within a period of eight weeks from the date of receipt of a copy of this order.

6. Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

sd
Assistant Registrar (CO)

True copy

Sub Assistant Registrar.

To

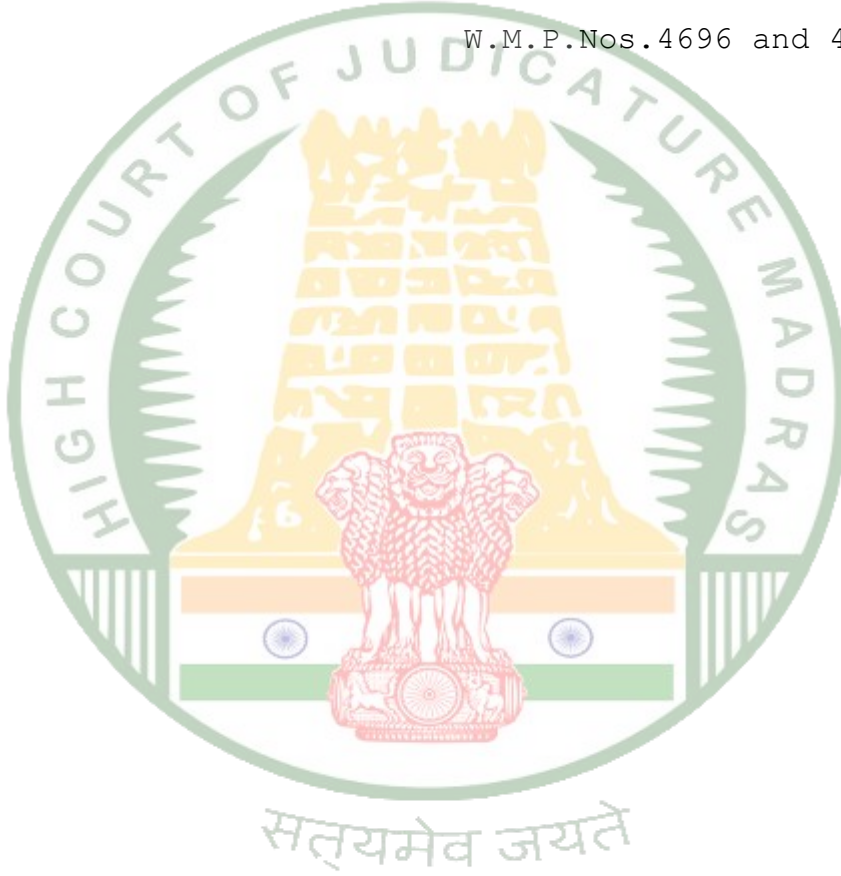
The Secretary to Government
Government of Puducherry
Labour Department, Pondicherry

+ 1 cc to Mr.V.Raghavachari, Advocate Sr 1082

+ 1 cc to Govt.Pleader (Pondicherry) SR 11142

rsy(co)
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