

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.01.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application(Writ).No.709 of 2017
and
W.M.P.No.37115 of 2017
in
W.P.No.24537 of 2017

Hotel Palmgrove
13, Kodambakkam High Road,
Chennai - 600 034,
Rep.by Deputy General Manager.

..Petitioner

vs

1.Palmgrove Anna Hotel Thozhilalar Sangam
Rep.by its Secretary Mr.V.Karunanidhi,
12, MGR Nedunchalai,
Chennai - 600 034.

2.The Commissioner,
Labour Welfare Department,
DMS COMPLEX, Teynampet,
Chennai - 600 006.

.. Respondents

Prayer: Review Application filed under Order 47 Rule 1 of CPC
Read with Section 114 of CPC, against the order dated 19.09.2017
in W.P.No.24537 of 2017.

WP.24537 of 2017 Prayer : Writ petition is file under Article
226 of the Constitution of India for issuance of a Writ of
mandamus directing the first Respondent in dispose of the
representation dated 10.07.2014 and 22.12.2016 as per the G.O..
(2D) No.35 dated 08.07.2014.

For Petitioner : Mr.Haroon
for M/s.T.S.Gopalan & Co

For Respondent : Mr.E.Manoharan
Additional Government Pleader
for R2

O R D E R

The present Review Application is filed to review the order dated 19.09.2017 passed in W.P.No.24537 of 2017. This Court passed an order, directing the 1st respondent namely, The Commissioner, Labour Welfare Department, DMS Complxs, Teynampet, Chennai - 600 006, to consider the representation submitted by the writ petitioner and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

2.The learned counsel appearing for the Review petitioner made a submission that the management is already paying over and above the minimum wages fixed by the Government in its order. The learned Additional Government Pleader appearing on behalf of the Department also produced the order passed by the Labour Inspector dated 11.12.2017 stating that the minimum wages fixed by the Government has already been complied with and the employees working in the establishment are receiving above the minimum wages fixed by the Government. However, in respect of mentioning of the category alone is to be complied with by the management and in this regard, suitable instructions are issued to the management by the Labour Inspector. Thus, the fact remains that the management has already complied with the Government orders and they are paying the salary more than the minimum wages fixed in the Government order.

3.This being the fact, no further orders are required in the Review Application and in respect of the non-compliance of a portion of the Government order, it is for the appropriate authority to initiate appropriate action in accordance with law. It is brought to the notice of the Court that the writ petition itself was filed unnecessarily by the employees, knowing the fact that their representation was already disposed of by the Deputy Commissioner of Labour in proceedings dated 09.05.2017.

4.May that it be, in respect of salary, the minimum wages fixed by the Government has already been complied with and now, it is clarified that mentioning the category alone, the management has to follow the Government orders.

5.With these clarifications, the Review Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Labour Welfare Department,
DMS COMPLEX, Teynampet,
Chennai - 600 006.

+1cc to Mr.T.S.Gopalan&CO, Advocate SR.No.18/01/2018 (31/05/2018)

Rev.Appln.No.709 of 2017

LRS (CO)
GN(07/02/2018)