

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24537 of 2017

Palmgrove Anna Hotel Thozhilalar Sangam,
Rep. by its Secretary Mr.V.Karunanidhi,
No.13, MGR Nedunchalai,
Chennai - 600 034. Petitioner

Vs.

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

2.The Manager,
Palmgrove Hotel,
No.13, Kodambakkam High Road,
Chennai - 600 034. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to 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.P.Krishnan

For Respondents : Mr.K.Dhananjayan
Special Government Pleader (R1)

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ORDER

Heard Mr.P.Krishnan, learned counsel appearing for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the first respondent.

2.The relief sought for in this writ petition is for a direction to direct the first respondent to dispose of the representation submitted by the writ petitioner, Palmgrove Anna Hotel Thozhilalar Sangam on 10.07.2017 and on 22.12.2016 as per the G.O.(2D) No.35 dated 08.07.2014.

3.The learned counsel appearing for the writ petitioner made a submission that the members of the petitioner/Sangam are the employees of the second respondent hotel. However the employees are working for more than 25 years. In spite of that they are unable to receive their salary in accordance with the minimum wages fixed by the Government in respect of the hotel employees. In this regard, the Government issued G.O.(2D) No.35 dated 08.07.2014.

4.On a perusal of the said Government Order the Government has categorically issued the revision of minimum wages for the employees of the hotel and restaurant. Various guidelines and nature of categories are mentioned in the Government Order and the minimum wages to be paid also has been fixed.

5.However, the second respondent has not implemented the Government Order in its letter and spirit and in violation of the guidelines issued by the Government, the second respondent management is paying lesser pay than that of the minimum wages fixed by the Government, in respect of the hotel employees. It is needless to state that the competent authorities of the Labour Department is to ensure the proper implementation of the Government Orders, in this regard. A periodical inspection is to be conducted in such establishments, and it is necessary for the competent authorities to ensure the implementation of the Government Orders and guidelines, in respect of the minimum wages.

6.However, it seems that no such proper inspection was conducted by the competent authorities of the state and this Court is of the firm opinion that the first respondent shall depute any responsible officer to the second respondent establishment and ensure that the Government Orders in relation to the revision of minimum rights of wages is to be paid to the employees of the second respondent hotel. In this regard, the writ petitioner also submitted a representation to the first respondent on 10.07.2017 and on 22.12.2016. However, the same is yet to be considered.

7.Thus, the first respondent is directed 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.

8. Accordingly, the writ petition stands disposed of. However, there is no order as to costs.

sd/
ASSISTANT REGISTRAR

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SUB-ASSISTANT REGISTRAR

To

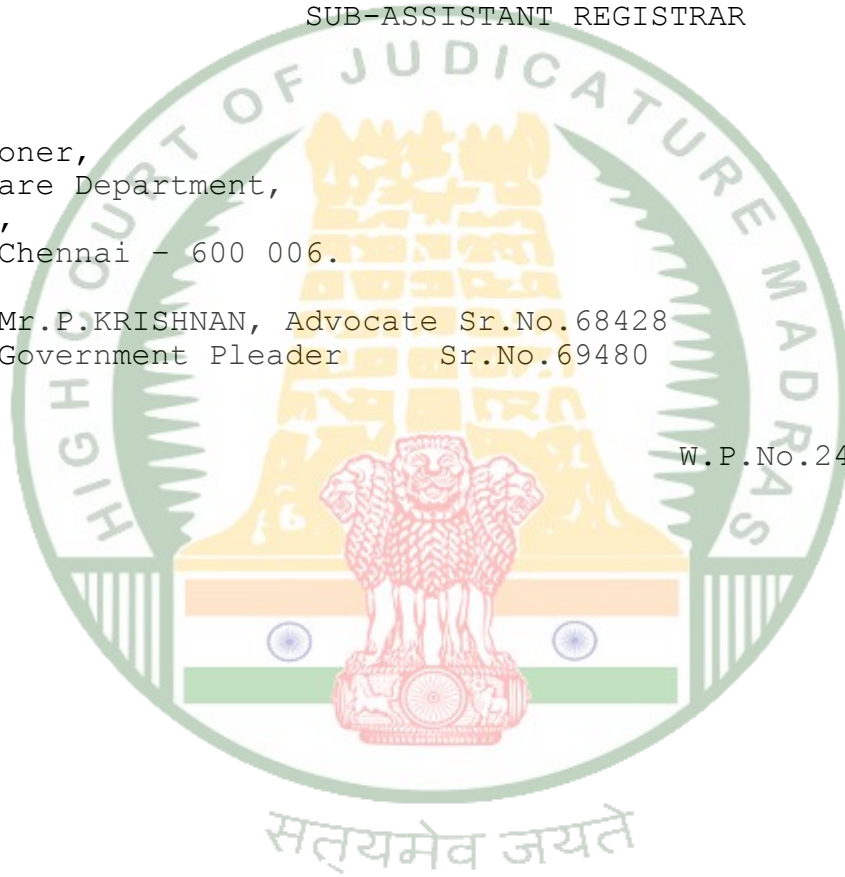
1. The Commissioner,
Labour Welfare Department,
DMS Complex,
Teynampet, Chennai - 600 006.

+1 CC to Mr. P. KRISHNAN, Advocate Sr.No. 68428
+1 CC to Government Pleader Sr.No. 69480

W.P.No. 24537 of 2017

KJI (CO)

TA-11/10/2017



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