

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition Nos.21122 & 22229 of 2018
& WMP Nos.26056, 26057 in WP.NO.22229 of 2018
& 24784 & 24785 of 2018 in WP.NO.21122/2018

K.Umanath, President,
Tamil Nadu Uppalam Mattrum Kadalsaar Thozilalar
Nalasangam,
No.9 Thottacheary Village,
Chunampedu Post, Cheyyur Taluk,
Kancheepuram District 603 401

... Petitioner in both W.Ps.
Vs.

1. The District Collector, Kancheepuram
Kancheepuram Dt.
2. The District Collector, Villupuram,
Villupuram Dt.
3. The Director, Industrial Safety and Health,
Guindy, Chennai - 32
4. The Joint Director, Industrial Safety and Health,
Cuddalore 607 001
5. The Deputy Director, Industrial Safety and Health,
Villupuram 665 602 ... R-1 to R-5 in both W.Ps.
6. The Deputy Commissioner of Labour II,
Teynampet, Chennai ... R-6 in W.P.21122/18
7. The Joint Commissioner of Labour II,
Teynampet, Chennai R-6 in W.P.No.22229/2018.
8. The Management of PADMA Chemicals,
(Salt Division-Chemfab Alkalies Ltd.,)
Villipakkam Village, Chunampet Post,
Cheyyur Taluk, Kancheepuram Dt.
... R-7 in W.P.No.21122/2018 &
R-8 in W.P.No.22229/2018.
9. The Joint Commissioner of Labour,
Vellore ... R-7 in W.P.No.22229/2018.

Prayer in W.P.No.21122/2018:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the fourth respondent to initiate appropriate proceedings against the seventh respondent Management and to pass appropriate orders in pursuant to the application filed by the fifth respondent dated 16.04.2018 u/s 20(2) of the Tamil Nadu Minimum Wages Rules and Minimum Wages Act, 1948, within the time limit as prescribed by this Court.

Prayer in W.P.No.22229/2018:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 6th and 7th respondents to club all the three cases filed by the fifth respondent bearing Order dated 05.03.2018 in Na.Ka.en.Aa/332/2018, 7.3.2018 in Na.Ka.en.Aa/333/2018 and order dated 16.04.2018 in Na.Ka.en.Aa/502/2018 together along with the pending case filed by the fifth respondent being order dated 16.04.2018 in Na.Ka.en.Aa/503/2018 on the file of the Joint Commissioner of Labour - II, Chennai, and to dispose of the same on merits, within the time limit as framed by this Court.

For Petitioner in both W.Ps. :Mr. K.V.Dhanapalan

For Respondents:

in W.P.No.21122/2018:Mr. S.Soundhararajan,for R-1 to R-6.

in W.P.No.22229/2018:Mr. S.Soundhararajan,for R-1 to R-7.

For R-7 in WP No.21122/18 &

R-8 in WP No.22229/18 : Mr. T.Saikrishnan

C O M M O N O R D E R

Both the writ petitions have been filed by the petitioner in the capacity as President of Tamil Nadu Uppalam Mattrum Kadalsaar Thozhilalar Nalasangam.

2. Invoking the provisions of Section 20 (2) of the Minimum Wages Act, six separate proceedings have been initiated by the authorities under the Payment of Minimum Wages Act, against the Management.

3. Out of six cases filed, three cases, i.e., MW/27/18, MW/34/18 and MW/35/18 are pending before Joint Commissioner of Labour (DCL-II), Chennai. The other three cases, i.e., MW/5/18, MW/19/18 and MW/28/18, are pending before the learned Joint Commissioner of Labour, Vellore (camp at Villupuram).

4. The cases pending before Joint Commissioner of Labour, Vellore, are sought to be transferred to the file of the Joint Commissioner of Labour, Chennai.

5. The learned counsel appearing for the Management stated No Objection for transferring the said cases from Vellore to Chennai.

6. Pending these writ petitions seeking transfer, the workmen have filed application seeking payment of

minimum wages in accordance with the wages already fixed by the authorities concerned.

7. The learned counsel representing the Management has submitted that already minimum wages have been paid to the workmen and it is continued to be paid.

7.1. Granting liberty to the workmen to move the appropriate forum, in case of non-payment of minimum wages, the application for clubbing of cases is disposed of, with a direction to transfer the three cases, cited supra, from the file of the learned Joint Commissioner of Labour, Vellore (camp at Villupuram) to the learned Joint Commissioner of Labour, Chennai.

7.2. All the six cases shall be disposed of, either jointly or simultaneously or separately, within a period of nine months from the date of receipt of a copy of this order.

7.3. The Joint memo filed, in connection with the same, shall form part of this order.

8. With the above directions, these writ petitions are disposed of. No costs. Consequently, the connected WMPs are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

srk

To

1. The District Collector, Kancheepuram
Kancheepuram Dt.
2. The District Collector, Villupuram,
Villupuram Dt.
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6. The Joint Commissioner of Labour II,
Teynampet, Chennai

7.The Deputy Commissioner of Labour II, Teynampet,
Chennai

8.The Joint Commissioner of Labour, Vellore

+1cc to Mr.T.Saikrishnan , Advocate SR.No. 8810

+2ccs to Mr.T.Fennwalter Associates, Advocate SR.No.
87839 (01/02/2019)

Writ Petition Nos.21122 & 22229 of 2018
& WMP Nos.26056, 26057, 24784 & 24785 of 2018

A.SK(21/01/2019)



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