



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1408 of 2015

Madurai Mavata Sumaipani, Van,
Auto Matrum Amaipu Sara,
Tholilalar Sangam,
Represented by its General Secretary,
14-A, Thoppu 4th Street,
Keeraithurai,
Madurai-1.

... Petitioner

Vs.

1. The District Collecotor,
O/o. District Collectorate,
Madurai-625 020.

2. The Deputy Commissioner,
Labour Department,
Krishnapuram Colony,
Madurai-625 014.

3. The Labour Inspector,
Ellies Nagar,
Madurai-625 016.

4. Madurai Paddy Commission Association,
Represented by its Secretary,
Mattuthavani, Madurai.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to pay the wages on par with the minimum wages payable to the employees of the petitioner union as per the Minimum Wages Act and all the consequential benefits.

For Petitioner
For Respondents

: Mr.G.M.Xavier
: Mr.K.Saravanan for R1 to R3
Government Advocate
: Mr.G.Maruthiah for R4

**ORDER**

Heard the learned counsel on either side.

2.The petitioner is a registered trade union. The prayer in the Writ Petition is that the minimum wages payable to the load men as statutorily fixed should be paid to the members of the petitioner/Union.

3.When the matter was taken up for disposal, the learned counsel representing the fourth respondent raised threefold objections. He pointed out that the members of the petitioner's Association are not associated with loading and unloading activities of the fourth respondent and that therefore the petitioner does not have any *locus standi* to file this Writ Petition. He also contended that even though in G.O.(2D)No.42, Labour and Employment (J1) Department, dated 25.02.2009, a sum of Rs.3.00 for loading and unloading articles weighing about 50 kilograms upto 75 kilograms is fixed, the fourth respondent is paying a sum of Rs.3.50 for articles weighing 65 kilograms. Thus, the fourth respondent is paying above, the statutory fixed minimum wages. He also raised an apprehension that if any order is passed in this Writ Petition, the petitioner/union may take advantage of the same. He drew the attention of this Court to the decree in O.S.No.95 of 2013, dated 20.06.2016, filed by the fourth respondent before the Principal Sub Court, Madurai. Even though the contentions raised by the learned counsel for the respondent are having considerable force, this Court is of the view that the Writ Petition can be disposed of on an equitable basis. The petitioner wants that the persons who are engaged in loading or unloading activities should be paid statutorily fixed minimum wages.

4.The learned counsel appearing for the fourth respondent states that there cannot be any objections taken to this request. Making it clear that the petitioner herein shall not take advantage of this order, relief sought for is granted.

5.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar



1. The District Collector,
O/o. District Collectorate,
Madurai-625 020.

2. The Deputy Commissioner,
Labour Department,
Krishnapuram Colony,
Madurai-625 014.

3. The Labour Inspector,
Ellies Nagar,
Madurai-625 016.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 47465
+ 1 CC TO Mr.G.MARUTHIAH, ADVOCATE IN SR No. 47748

TSG

TE/RSK/SAR-2 : 07/05/2018 : 3P/6C

ORDER MADE IN
W.P. (MD) .No.1408 of 2015
08.02.2018