



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos.21506 & 21507 of 2017

W.P. (MD) No.21506 of 2017:

K.Palavesam

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Tirunelveli.
2. The Management,
Shaan's Cargo Private Limited,
NHAA's 4/196-B, Shaan's Building,
1st Street, Caldwell Colony,
Tuticorin-628 008
Tuticorin District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned common order passed by the 1st respondent in C.P.No.126 of 2016 dated 09.05.2017 and to quash the same with a consequential direction to pay arrears of salary of Rs.4,34,795/- along with other wages, Provident fund, E.S.I. as per the payment of wages Act, 1936, Tamilnadu Motor Vehicle Labour Act, 1961 and Minimum Wages Act, 1948.

W.P. (MD) No.21507 of 2017:

B.Ramasamy

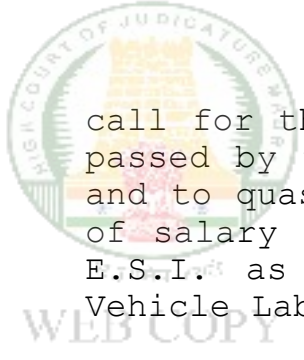
... Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Tirunelveli.
2. The Management,
Shaan's Cargo Private Limited,
NHAA's 4/196-B, Shaan's Building,
1st Street, Caldwell Colony,
Tuticorin-628 008
Tuticorin District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to



call for the entire records pertaining to the impugned common order passed by the 1st respondent in C.P.No.123 of 2016 dated 09.05.2017 and to quash the same with a consequential direction to pay arrears of salary of Rs.4,68,713/- along with other wages, Provident fund, E.S.I. as per the payment of wages Act, 1936, Tamilnadu Motor Vehicle Labour Act, 1961 and Minimum Wages Act, 1948.

For Petitioners : Mr.D.Saravanan
(in both W.Ps.)
For R2 : Mr.N.Dilipkumar
R1-Labour Court.

COMMON ORDER

The petitioners were engaged by the second respondent Management as Drivers on casual basis. The grievance of the Writ petitioners is that they were paid only a lesser sum and that they are entitled to pay and regular wages as per statute.

2.Raising this dispute before the Labour Court, Tirunelveli, they filed claim petitions. The second respondent filed counter opposing the claim petitions. The stand of the Management was that the petitioners are not entitled to get minimum wages. On the other hand their stand was that they are getting wages more than that has been statutorily fixed. In this regard, the Management marked Exhibits R1 to R9. On the side of the Management, witnesses were examined.

3.After considering the entire materials on record, the Labour Court rendered the finding that what was paid to the claim petitioners was more than the minimum wages prescribed by the Government. In fact in the said finding portion of the impugned order, it is mentioned that the claim of the petitioners with regard to the payment made to them was disproved. In this view of the matter, the claim petitions were dismissed. The orders of the dismissal are assailed in this Writ Petition.

4.The writ petitioners are not in a position to dislodge the factual findings rendered by the Labour Court, Tirunelveli. In fact, this Court would take the view that a claim petition filed under Section 33(c)(2) would not be maintainable when there is dispute with regard to basic issues. But the Labour Court has entered into the entire merits of the case and rendered findings in favour of the Management. The said findings have not been dislodged by the writ petitioners. Accordingly, the Writ Petitions are dismissed. No costs.

Sd/-
Assistant Registrar (CS-I)



To

The Presiding Officer,
Labour Court, Tirunelveli.

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+ 2 CC TO Mr.N.DILIP KUMAR, ADVOCATE IN SR Nos. 53915 & 53914
+ 1 CC TO Mr.D.SARAVANAN, ADVOCATE IN SR No. 54051

GNS

TE/KKR/SAR-4 : 30/05/2018 : 3P/5C

W.P.(MD) Nos.21506 & 21507 of 2017
08.03.2018