

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1932 OF 2004

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the order dated 05.05.2003 passed in MWMP No.2 of 2002 by the 1st respondent and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Smt G.Sudha, learned counsel appearing for the petitioner and learned Government Pleader for Labour appearing for respondent No.1.

It is the case of the petitioner that while working as Medical Representative, the 2nd respondent had filed MW MP No.2 of 2002 before the 1st respondent claiming an amount of Rs.15,624/- towards differential minimum wages for the period from 1.4.2001 to 30.09.2002 as per G.O.Ms.No.80, dated 02.12.2000. The 1st respondent, without appreciating any of the contentions raised by the petitioner, passed the impugned order dated 5.5.2003 directing the petitioner to pay a sum of Rs.24,912/- along with interest at 12% p.a. Challenging the same, the present writ petition is filed.

While admitting the writ petition on 4.2.2004, this Court in WPMP No.2539 of 2004 granted interim suspension subject

to condition of the petitioner depositing half of the amount as directed by the 1st respondent under the impugned order, within a period of six weeks from that date.

Learned counsel appearing for the petitioner contends that without appreciating the fact as to whether the 2nd respondent is entitled for minimum wages or not, the 1st respondent had allowed the claim made by the 2nd respondent and hence, the order passed by the 1st respondent is liable to be set aside.

Learned Government Pleader appearing for the 1st respondent contends that the 1st respondent has rightly passed the order in favour of the 2nd respondent and that no illegality or irregularity has been committed by the 1st respondent.

In pursuance of the interim suspension granted this Court on 4.2.2004 in WPMP No.2539 of 2004, the petitioner has deposited half of the amount. Now the issue remains to be considered is as to the payment of remaining half of the amount to the 2nd respondent.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the 1st respondent has rightly passed the order in favour of the 2nd respondent. Unless and until a grave illegality or irregularity has been pointed out by the petitioner, this

Court is not inclined to interfere with the order passed by the 1st respondent. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th November, 2018

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