

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.26118 of 2006
and M.P.No.2 of 2006

Misrimal Navajee Munoth Jain Engineering College,
Rep. by its Principal,
"Guru Marudhar Kasari Building"
Jyothi Nagar,
Thorapakkam, Chennai - 600 096.

...Petitioner

Versus

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Labour & Employment Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Labour,
D.M.S.Compound,
Chennai - 600 006.
- 3.The Chief Inspector of
Motor Transport Undertaking
Deputy Commissioner of Labour (Minimum Wages),
Chennai - 600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the second respondent relating to the impugned order No.S1/62937/04, dated 03.01.2006 and quash the same and consequently, direct the respondents not to implement the provisions of the Motor Transport Workers Act, 1961 (Act No.27 of 1961) in so far as the petitioner is concerned.

For Petitioner : Mr.N.Vishnu Varadhan
for Mr.T.S.Gopalan & Co
For Respondents: Mr.A.Ansar,
Government Advocate

O R D E R

The relief sought for in the present writ petition is to call for the records on the file of the second respondent relating to the impugned order No.S1/62937/04, dated 03.01.2006 and quash the same and consequently, direct the respondents not to implement the provisions of the Motor Passport Workers Act, 1961 (Act No.27 of 1961) in so far as the petitioner is concerned.

2. It is the case that the petitioner is an Engineering College established in the year 1994, provides bus transport facility to the students who are studying in their institution. As per G.O.Ms.No.1718 Labour dated 01.08.1994, an exemption was granted to all the educational institutions for a period of 3 years from the purview of the Motor Transport Workers Act, 1961 (hereinafter referred to as 'Act') and the said period of exemption expired on 04.07.2003 vide G.O.(D).No.1164 Labour and Employment (H1) Department dated 28.12.1999. Therefore, instructions had been issued to all the Inspectors to take necessary action for the registration of the educational institutions vide Office Memorandum No.S1/5850/03 dated 08.11.2003. Without understanding that the said provision of the Act is not applicable to them, the petitioner institution made a representation dated 07.03.2006, before the first respondent requesting to extend the exemption notification for further period but the same was rejected by the first respondent on 10.04.2006.

3. While so, the second respondent passed an order dated 03.01.2006, directing all the Inspectors of Labour to initiate speedy action to register all the educational institutions in their jurisdiction (which includes the petitioner's institution) and make inspections periodically and to inform the action taken in this regard. When the petitioner institution came to know that the provision of the Act is not applicable to them, they filed the present writ petition.

4. The learned Government Advocate appearing for the respondents submitted that based on the G.O.Ms.No.1718 Labour dated 01.08.1994, the petitioner institution wrongly made a representation for extending the exemption notification for further period of 3 years and that the first respondent had rejected the said representation made by the petitioner. He further submitted that the present writ petition has become infructuous since the extension period sought for by the petitioner has already been lapsed.

5. In view of the submission made by the learned Government Advocate appearing for the respondents, nothing survives in this Writ Petition for further adjudication and therefore, the same is dismissed as infructuous by this Court. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

mrr
To

- 1.The Secretary to Government,
State of Tamil Nadu
Labour & Employment Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Labour,
D.M.S.Compound,
Chennai - 600 006.
- 3.The Chief Inspector of
Motor Transport Undertaking
Deputy Commissioner of Labour (Minimum Wages),
Chennai - 600 006.

+1cc to Mr.T.S.Gopalan and co , Advocate SR.No. 86414
+1 cc to Government Pleader Sr.No. 86887

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A.SK(19/11/2019)

सत्यमेव जयते

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