

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.14979 & 14980 of 2005

and

W.P.M.P.Nos.16290 & 16292 of 2005

S.Ravichandran ..Petitioner in W.P.No.14979/2005
C.Perumal ...Petitioner in W.P.No.14980/2005

vs

1.State of Tamil Nadu,
rep.by its Secretary,
Dept. of Labour & Employment
Fort St.George
Chennai - 600 009

2.The Deputy Commissioner of Labour,
Salem.

3.The Inspector of Factories
Mettur.

..Respondents in both W.Ps

Common Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,
calling for the records of the 1st Respondent in G.O.(2D).No.18
dated 26.07.2001 and quash the same.

For Petitioners : Mr.Haroon AL.Rasheed
For M/s.T.S.Gopalan & Co
(in both W.Ps)

For Respondents: Mr.N.Sakthivel
Additional Government Pleader
(in both W.Ps)

C O M M O N O R D E R

The Government Order issued in G.O.(2D).No.18 dated
26.07.2001 is under challenge in the present writ petitions.

2. The grievances of the writ petitioners are that the minimum wages fixed by the respondents in G.O.(2D).No.18, Labour and Employment(J1) Department dated 26.07.2001 published in the Tamil Nadu Gazette dated 22.08.2001, fixing the minimum rates of wages for "employment in Granites Industry" under the Minimum Wages Act was perverse and in violation of the statute.

3. However, the learned Additional Government Pleader appearing on behalf of the respondents made a submission that the impugned G.O.(2D).No.18 was passed in the year 2001 and the Government passed subsequent orders, revising the minimum wages regarding employments in Granite Industry. Almost 18 years lapsed and the Government also revised the minimum wages to be paid in respect of the employees working in Granite Industry and the said Government Orders currently in force is to be applied in respect of all the employees working in Granite Industry. Accordingly, the petitioners being Contractors, are also liable to pay the minimum wages revised and applicable as of now to the employees working in Granite Industry.

4. In respect of other pending proceedings, it is left open to the writ petitioners to approach the Court concerned for appropriate remedy. In respect of the compensation also, the grievances of the writ petitioners can be placed before the competent authority and the same shall be considered on merits. However, the impugned G.O.(2D).No.18, which was issued on 26.07.2001 deserves no further adjudication after this length of time as the Government also revised the minimum wages as applicable to the employees of the Granite Industry.

5. Under these circumstances, the writ petitioners are at liberty to approach the competent authority, if any other grievances exists in respect of his claim.

6. With this liberty, both the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
State of TamilNadu,
Department of Labour & Employment
Fort St.George, Chennai - 600 009

2.The Deputy Commissioner of Labour,
Salem.

3.The Inspector of Factories
Mettur.

+2cc to M/s.T.S.Gopalan & Co, Advocate Sr.78274, 78275

W.P.Nos.14979 & 14980 of 2005

pm[co]
srg 15/10/2019



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