

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12-09-2019

CORAM

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

W.P.Nos.14799 of 2005

and

W.P.M.P.No.16144 of 2005 and W.V.M.P.No.1460 of 2005

The Management of Obli Granites,
Sellapillaikuttai Village,
Omalur Taluk,
Salem District.

.. Petitioner

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

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.

सत्यमेव जयते

For Petitioner : Mr.Haroon AL.Rasheed
For M/s.T.S.Gopalan & Co.

For Respondents : Mr.M.Elumalai,
Government Advocate.

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 petition.

2. The grievance of the writ petitioner is 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 Government Advocate 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 petitioner being Contractor, is 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 petitioner to approach the Court concerned for appropriate remedy. In respect of the compensation also, the grievance of the writ petitioner 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 petitioner is at liberty to approach the competent authority, if any other grievance exists in respect of their claim.

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

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Secretary,
Department of Labour & Employment
Fort St.George, Chennai - 600 009.
2. The Deputy Commissioner of Labour,
Salem.
3. The Inspector of Factories
Mettur.

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.78563

+1cc to the Government Pleader, S.R.No.78956

W.P.No.14799 of 2005

NRL (CO)
CS/30/10/2019



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