

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.27278 of 2015

and

M.P.No.1 of 2015, WMP.No.22555 & 22556 of 2016

M/s. Tempel Precision Metal,
Products India Pvt. Ltd.
Represented by its Managing Director,
D-6/IV, Phase II, Zone B, MEPZ,
Tambaram, Chennai - 600045.Petitioner

Vs.

1. The Deputy Commissioner of Labour - II,
The Authority under the Minimum Wages Act,
D.M.S. Complex, Teynampet,
Chennai - 600006.
2. Chennai Yetrumathi Valaga Uzhiyargal
Matrum Podhu Thozhilalar Sangam,
Represented by its General Secretary,
No.15, Kannan Street, Kadaperi,
Tambaram, Chennai - 600045.Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records on the file of the 1st respondent and quash the impugned order dated 11.05.2015 made in M.W.No.30 of 2012.

For Petitioner : Mr.M.Vijayan
for M/s.Kind & Partridge

For Respondents : Mr.V.Prabhu
Government Advocate for R1
Mr.V.Stalin for
M/s. Row & Reddy for R2

O R D E R

This Writ Petition is filed challenging the order of the first respondent dated 11.05.2015 in M.W.No.30 of 2012 in fixing the minimum wages.

2. When the matter was taken up on earlier occasion, the learned counsel for the writ petitioner submitted that during the pendency of the writ petition, a settlement was arrived between the parties under Section 12(3) of the Industrial Dispute Act and therefore, the writ petition may be closed by recording the settlement so arrived. The learned counsel also filed a memo dated 28.02.2019 to that effect which reads as follows:

"The petitioner submits as follows:

1. The petitioner filed the above writ petition praying for a writ of certiorari to quash the order passed by the first respondent in M.W.No.30 of 2012 dated 11.05.2015.

2. When the matter came up for admission on 01.09.2015, the Hon'ble Court was pleased to admit the matter and granted interim stay of the impugned order pending disposal of the writ petition subject to deposit of Rs.7,20,278.75/- in the credit of M.W.No.30 of 2012. The said amount was duly deposited with the Deputy Commissioner of Labour - II, Chennai.

3. During the pendency of the above Writ Petition in W.P.No.27278 of 2015, Chennai Export Valaga Workers and Podhu Thozhilalargal Sangam and Tempel Employees Union submitted a charter of demand for revision of wages and other benefits. The said dispute was taken on the file of the Deputy Commissioner of Labour - II, Kuralagam, Chennai - 600108 in Ref. Na.Ka.No.A/790/2018. After negotiations on various dates a consensus arrived and a settlement under Section 12(3) of the Industrial Disputes Act, 1947 was entered between the petitioner Management and the Union before the Deputy Commissioner of Labour - II (Addl. I/C), Kurallagam, Chennai - 600108.

4. In the 12(3) settlement the Management agreed to pay 1.5 times of the minimum wages claimed by the Union and accordingly the issue raised in the writ petition has been settled out of court. The Management also paid the amount agreed between the parties. The copy of the said 12(3) Settlement dated 29.10.2018 is enclosed herewith.

5. It is therefore prayed that this Hon'ble Court may be pleased to dispose of the writ petition as settled out of Court and direct the 1st respondent to return the sum of Rs.7,20,278.75 (Rupees Seven Lakh Twenty Thousand Two Hundred and Seventy Eight and

paise Seventy Five only) together with accrued interest to the petitioner and thus render justice."

3. However, the learned counsel for the second respondent-Union sought time to get instructions. Accordingly, the matter was adjourned and thus, posted today for further hearing. The learned counsel for the second respondent submitted that despite his efforts to get instructions, the second respondent has not come forward to give any instruction.

4. However, considering the above memo filed by the petitioner, which is also enclosed, and as it is seen that the settlement has been arrived at between the parties under Section 12(3) of the Industrial Dispute Act, dated 29.10.2018, this Court is of the view that no further order is necessary in this writ petition, in view of the subsequent development so taken place.

5. Accordingly, recording the above memo filed by the writ petitioner, this Writ Petition is closed. In view of the closure of this writ petition as stated supra, a sum of Rs.7,20,278.75/- deposited by the petitioner during the pendency of this writ petition, in pursuant to an interim order passed on 11.05.2015 in this writ petition is permitted to be withdrawn by the petitioner together with accrued interest, if any. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

sni/mk

Sub Assistant Registrar

To

1. The Deputy Commissioner of Labour - II,
The Authority under the Minimum Wages Act,
D.M.S. Complex, Teynampet,
Chennai - 600006.

+1 cc to M/s.King & Partridge, Advocate, S.R.No.23567

+1 cc to the Government Pleader, S.R.No.24229

W.P.No.27278 of 2015

SJ(CO)

SSM(05/04/2019)