

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.6278 of 2013

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Anna Salai,
Chennai 600 002.

... Petitioner

vs.

1. R.Sivaprakasam & 423 others
Through General Secretary,
CITU Union 73 MDS,
52, Cooks Road, Perambur,
Chennai 600 012.

2. The Deputy Commissioner of Labour-I &
Incharge Officer for Minimum Wages Act,
D.M.S. Office, II Floor,
Chennai 600 006.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, calling for the records pertaining to the Award dated 19.10.2012 made in M.W.P.No.3 of 2008 on the file of the 2nd Respondent herein and quash the same.

For Petitioner : Mr.S.Mohamed Ali
For 1st Respondent : Mr.V.Ajoy Khose
For 2nd Respondent : No appearance

O R D E R

Petitioner has come up with this Writ Petition challenging the Award dated 19.10.2012 passed by the 2nd Respondent herein in M.W.P.No.3 of 2008.

2. According to the Petitioner/Management, the 1st Respondent/Union filed a case under Minimum Wages Act in M.W.P.No.3 of 2008 before the 2nd Respondent, claiming that wages of certain Drivers and Conductors be fixed based on the difference between the amount fixed in G.O.Ms.No.57, dated 21.07.2005, and the actual amount paid. It is further stated by the Petitioner/Management that the Union members of the 1st

Respondent were engaged as Conductors and Drivers in various Depots by the concerned Branch Managers under temporary Contract basis only on stop-gap method for exigency situation and that they were not sponsored through Employment Exchange and they were not given any appointment order.

3. The Petitioner/Management further submitted that as per the said G.O., daily rate of wages at Rs.125/- for Drivers and at Rs.100/- for Conductors were paid for the days on which they performed duty and such individuals were stopped from duty as soon as their services were not required.

4. While so, it is the case of the 1st Respondent/Union that the Drivers and Conductors involved in the case on hand were paid wages, much less than the Minimum Wages fixed under the Minimum Wages Act, 1948.

5. When the matter is taken up for hearing, the Petitioner/Management filed a Memo dated 30.07.2019 showing that they are willing to pay the difference in minimum wages to the Drivers and Conductors involved in the case on hand, by means of Demand Draft/NEFT/RTGS to the account of the workmen and that except the said amount, no other amount is payable to them.

6. In reply, Mr.Ajoy Khose, learned counsel appearing for the 1st Respondent/Union submitted that the Union is agreeable to the Memo of calculation arrived at by the Petitioner/Management. However, he submitted that the names of six other workmen do not figure in the list and that in case the said workmen produce the documents to the effect that they had rendered service during the period in question with the Petitioner/ Management, the same may be taken into account by the Petitioner/Management and the benefit of the said Government Order may be extended to the workmen under the Minimum Wages Act, 1948.

7. Mr.Ajoy Khose, learned counsel appearing for the 1st Respondent/Union has filed separate lists containing the correct names of Drivers and Conductors. The said list shall be taken into account by the Petitioner/Management for the purpose of verification and disbursement of amount to the workers.

8. Taking note of the submissions made by the learned counsel on either side, this Court directs the Petitioner/Management to pay the difference in wages to the Drivers and Conductors involved in the case on hand, as per the Memo of Calculation filed by the Petitioner/Management, within a period of 45 days from the date of receipt of a copy of this order.

9. With regard to six other employees, the original records and the documents produced before the Minimum Wages authority shall be looked into and the benefits may be extended to them without any further delay, if they are otherwise found eligible.

10. This Court makes it clear that the amount lying in deposit before the 2nd Respondent, shall be withdrawn by the workmen proportionately, within a period of 45 days from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction and observation. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Deputy Commissioner of Labour-I &
Incharge Officer for Minimum Wages Act,
D.M.S. Office, II Floor,
Chennai 600 006.

+1cc to Mr.M.Chidambaram, Advocate sr.69158
+1cc to Mr.V.Ajoy Khose, Advocate sr.69549

W.P.No.6278 of 2013

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