



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2019

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)Nos.14516 to 14523 of 2010 and 744 to 750 of 2011
and
M.P. (MD) .Nos.1 of 2010 (8 M.Ps) and 1 of 2011 ((7 M.P.s)

- 1.The Principal Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.
- 2.Conservator of Forests,
Madurai Circle,
Race Course Road,
Madurai - 625 002.
- 3.Divisional Forest Officer,
(Social Forestry),
Bharat Ula Street, K.Pudur,
Madurai - 625 007.
- 4.District Forest Officer,
Madurai Division,
Race Course Road,
Madurai. ... Petitioners in WP(MD).14516 to 14523 of 2010
1. Principal Conservator Of Forests,
No.1 Jeenis Road, Saidapet, Chennai-600 015.
2. Conservator of Forests,
Madurai Circle, Race Course Road, Madurai-002.
3. The Divisional Forest Officer,
Varushanadu Soil Conservation Division, Theni.
... Petitioner(s) in WP(MD). 744 to 750 of 2011

Vs.

1.S.Palanisamy

2.The Deputy Commissioner of Labour,
Dindigul, the Authority appointed
under the Minimum Wages Act, 1948).

... Respondents in WP(MD).14516 / 2010



1. N.Chidambaram, S/o. Natchiappan, Manjalaru, Devadanapatti Post, Periakulam Tk, Theni District

2. The Deputy Commssioner of - Labour, Dindigul (Th Authority Appointed Under the Minimum Wages Act, 1948)

... Respondent(s) in WP(MD). 14517/ 2010

1. M.Arjunan, S/o. Muthu Thevar, 139, Vaithiyanathapuram, Vadakarai, Periakulam Post, Periakulam Tk, Theni District

2. The Deputy Commssioner of - Labour, Dindigul (Th Authority Appointed Under the Minimum Wages Act, 1948)

... Respondent(s) in WP(MD). 14518/ 2010

1. P.Ravi, S/o. Powdana Thevar, 83, Thenkarai, Periakulam Po, Theni District

2. The Deputy Commssioner of - Labour, Dindigul (Th Authority Appointed Under the Minimum Wages Act, 1948)

... Respondent(s) in WP(MD). 14519/ 2010

1. E.Ayyanar, S/o. Erulan, Endapuli Post, Periakulam Tk, Theni District

2. The Deputy Commssioner of - Labour, Dindigul (Th Authority Appointed Under the Minimum Wages Act, 1948)

... Respondent(s) in WP(MD). 14520/ 2010

1. G.Thottayasamy S/o. Ganapathy, East Street, Jothi Nagar, Kanniapapillai Po, Andipatti Tk, Theni District

2. The Deputy Commssioner of - Labour, Dindigul (Th Authority Appointed Under the Minimum Wages Act, 1948)

... Respondent(s) in WP(MD). 14521/ 2010

1. S.K.Alavudin S/o. S.Kadhar Mydeen, 3/31, Periapallivasal North Street, Bodinaickanur Post, Theni District

2. The Deputy Commssioner of - Labour, Dindigul (Th Authority Appointed Under the Minimum Wages Act, 1948)

... Respondent(s) in WP(MD). 14522/ 2010



1. K.Raju, S/o. Karuppanan, Chandrapuram, Kullapuram Post,
Periakulam Tk, Theni District

2. The Deputy Commssioner of - Labour, Dindigul (Th Authority
Appointed Under the Minimum Wages Act, 1948)

... Respondent(s) in WP(MD). 14523/ 2010

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1. C. Dhinakarsamy, Plot Watche R,, S/o.Chinnasamy Thevar, 467/4,
T.Perumalpatty, T.Subbulapuram Post, Andipatty Taluk, Theni District

2. The Deputy Commissioner Of Labour, Dindigul.

... Respondent(s) in WP(MD). 744/ 2011

1. V. Chinnasamy, Plot Watcher, S/o.Velandi, T.Alagapuri (Village)
Theppampatty Post, Gandamanur Via, Andipatty Taluk, Theni District

2. The Deputy Commissioner Of Labour, Dindigul.

... Respondent(s) in WP(MD). 745/ 2011

1. C. Periyasamy, Plot Watcher, S/o.Chinnakaruppan, Moonkilpatty
Via, Natham Taluk, Dindigul District

2. The Deputy Commissioner Of Labour, Dindigul.

... Respondent(s) in WP(MD). 746/ 2011

1. K. Palanichamy, Plot Watcher, S/o.Kanadhasamy, 44.Ayyanar
Street, J.K.Patty, Bodinaickenur Post & Taluk, Theni District

2. The Deputy Commissioner Of Labour, Dindigul.

... Respondent(s) in WP(MD). 747/ 2011

1. C.Mani, S/o. Chinna Thevar, Vellaiyanoor West Street,
Chinnamanur Bodi (Tk), Theni District.

2. The Deputy Commissioner Of Labour, Dindigul.

... Respondent(s) in WP(MD). 748/ 2011

1. S.Duraikalai, Plot Watcher, S/o. Sannasi, Vellaiyanoor West
Street, Chinnamanur, Bodi (Tk), Theni District.

2. The Deputy Commissioner Of Labour, Dindigul.

... Respondent(s) in WP(MD). 749/ 2011



1. C.Chinna Ramaiah, Plot Watcher, S/o. Karuppaiah, Santhaiyur (Post), Peraiyur (Taluk), Madurai District.

2. The Deputy Commissioner Of Labour, Dindigul.

... Respondent(s) in WP(MD). 750/ 2011

WEB COPY

Prayer in WP(MD). 14516/ 2010:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records in M.W.No.55 of 2008, dated 23.08.2010, on the file of the 2nd respondent herein and quash the same.

Prayer in WP(MD). 14517/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records in M.W.No.82 of 2008, dated 23/08/2010 on the file of the second respondent herein, and quash the same.

Prayer in WP(MD). 14518/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records in M.W.No.52 of 2008, dated 23/08/2010 on the file of the second respondent herein, and quash the same.

Prayer in WP(MD). 14519/ 2010 :

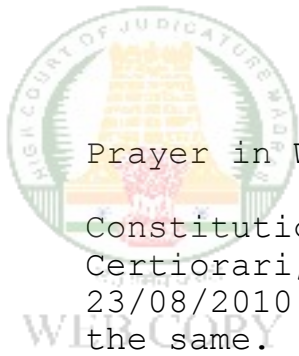
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records in M.W.No.58 of 2008, dated 23/08/2010 on the file of the second respondent herein, and quash the same.

Prayer in WP(MD). 14520/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records in M.W.No.80 of 2008, dated 23/08/2010 on the file of the second respondent herein, and quash the same.

Prayer in WP(MD). 14521/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records in M.W.No.60 of 2008, dated 23/08/2010 on the file of the second respondent herein, and quash the same.



Prayer in WP(MD). 14522/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records in M.W.No.56 of 2008, dated 23/08/2010 on the file of the second respondent herein, and quash the same.

Prayer in WP(MD). 14523/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records in M.W.No.59 of 2008, dated 23/08/2010 on the file of the second respondent herein, and quash the same.

Prayer in WP(MD). 744/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI, to call for the records in M.W.No.57 of 2008, dated 23-08-2010 on the file of the 2nd Respondent herein, and quash the same.

Prayer in WP(MD). 745/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI, to call for the records in M.W.No.53 of 2008, dated 23-08-2010 on the file of the 2nd Respondent herein, and quash the same.

Prayer in WP(MD). 746/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI, to call for the records in M.W.No.79 of 2008, dated 23-08-2010 on the file of the 2nd Respondent herein, and quash the same.

Prayer in WP(MD). 747/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI, to call for the records in M.W.No.54 of 2008, dated 23-08-2010 on the file of the 2nd Respondent herein, and quash the same.

Prayer in WP(MD). 748/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order in the nature of a Writ of Certiorari to call for the records in M.W.50 of 2008, dated 23.08.2010 on the file of the 2nd respondent herein, and quash the same.



Prayer in WP(MD). 749/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order in the nature of a Writ of Certiorari to call for the records in M.W.51 of 2008, dated 23.08.2010 on the file of the 2nd respondent herein, and quash the same.

Prayer in WP(MD). 750/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order in the nature of a Writ of Certiorari to call for the records in M.W.81 of 2008, dated 23.08.2010 on the file of the 2nd respondent herein, and quash the same.

For Petitioner : Mr.S.Dhayalan,
(in all Cases) Government Advocate

For 1st respondent : Mr.A.Mohammed Imran
(in all Cases) for M/s.Ajmal Associates

COMMON ORDER

Since the issue involved in all the writ petitions are one and the same, they were heard together and are being disposed of by way of this common order.

2. These writ petitions have been filed challenging the orders passed by the Deputy Commissioner of Labour/ 2nd respondent herein, whereby and whereunder the 2nd respondent/Deputy Commissioner of Labour has directed the petitioners to pay arrears of difference amount of wages payable under the Minimum Wages Act between the period 01.05.1993 and 26.09.2002.

3. The first respondent in all the writ petitions had filed petitions under Section 20(2) of the Minimum Wages Act before the 2nd respondent seeking the difference amount payable under the Minimum Wages Act for the period between 01.05.1993 to 31.08.2006 on the ground that though they have been engaged by the petitioners as Plot Watcher, they have been given wages below to the wages fixed under the Minimum Wages Act. According to the petitioners, as per G.O.Ms.No.82, Labour and Employment (J2), dated 27.09.2002, the Minimum Wages Act does not apply to the Social Forestry Workers and Forest Department employed in the employment in forestry in the State of Tamil Nadu. Considering the said G.O. and also the claim of the first respondents in the writ petitions, the 2nd respondent/Deputy Commissioner of Labour directed the petitioners to pay the difference amount from 01.05.1993 to 26.09.2002 ie., before date of issuance of the said G.O. Challenging the said orders, the petitioners have filed these writ petitions.



4. The main contention of the learned Government Pleader appearing for the petitioners is that the first respondent in all the petitions have filed the petitions very belatedly and therefore, their claim ought not to have been entertained by the 2nd respondent. In the impugned order itself, it is stated that after allowing the interlocutory applications filed for condoning the delay, these petitions were taken up for hearing. Without challenging the orders passed in the delay petitions, now the petitioners cannot question the impugned order on the said ground.

5. As rightly held by the 2nd respondent/ Deputy Commissioner of Labour, only by issuing G.O.Ms.No.82, Labour and Employment (J2) dated 27.09.2002, the Government has directed that the provisions of the Minimum Wages Act shall not apply to the Social Forestry Workers of Forest Department employed in the Employment in Forestry in the State of Tamil Nadu and further, it is not the case of the petitioners that the first respondents were not engaged for work and therefore, they are entitled to get the benefit from 01.05.1993 to 26.09.2002 ie., before the date of issuance of the said G.O. This Court does not find any reason to interfere with the orders passed by the 2nd respondent / Deputy Commissioner of Labour. There is no merit in the writ petitions.

6. In view of the above, all the Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Deputy Commissioner of Labour, Dindigul.

+15 CC TO MR.Ajmal Asso., Advocate Sr. No. 103689
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.103600

W.P(MD)Nos.14516 to 14523 of 2010 and
744 to 750 of 2011
04.12.2019

SV2 (CO)
TR(13.01.2020) 7P 18C