



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WP(MD) No.23207 of 2018

1 THE BRANCH MANAGER,
RAMANATHAPURAM MOFUSSIL BRANCH,
TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
RAMANATHAPURAM.

2 THE GENERAL MANAGER,
TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KARAIKUDI REGION,
KARAIKUDI, SIVAGANGAI DISTRICT.

... PETITIONERS

Vs

1 THE MINIMUM WAGES ACT AUTHORITY,
DEPUTY COMMISSIONER OF LABOUR,
MADURAI.

2 THE DEPUTY INSPECTOR OF LABOUR,
RAMANATHAPURAM.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorari calling for the records relates to the order passed by the Respondent No.1 herein in MW IA 15 of 2017 in MW 88 of 2016 dated 20.7.2017, quash the same and allow MW IA 15 of 2017 on the file of 1st respondent

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.D.SIVARAMAN, Advocate for the petitioner and of Mr.M.RAJARAJAN, Government Advocate for the respondents and Mr.AJAY CHOSE, for Amicus curiae, the court made the following order:-

The Transport Corporation questions the very maintainability of proceedings initiated under the provisions of the Minimum Wages Act before the first respondent. Since the interest of workers will have to be protected, this Court requested Shri.Ajay Ghose, the learned counsel to act as Amicus Curiae. In this case, the learned Amicus Curiae Shri.Ajay Ghose pointed out that exemption granted to State Transport Corporations from the operation of the Minimum Wages Act proceeds on the footing that the employees of the transport



corporation have their wages revised periodically by way of settlement arrived at under Section 12(3) of the Industrial Disputes Act, 1947.

2. Therefore, in the light of the aforesaid submission this court calls upon the learned standing counsel appearing for the transport corporation to make a statement as to whether the class or classes of persons for whom the impugned proceedings have been initiated are covered by any settlement under Section 12(3) of the I.D Act. He is also called upon to make a statement as to whether the wages presently paid by the management to the said category of workers are below the minimum wages or not. If the aforesaid classes of workers are covered by the settlement, whether they are paid in terms of the settlement or not.

3. Post this matter on 04.01.2019.

sd/-
18/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE MINIMUM WAGES ACT AUTHORITY
DEPUTY COMMISSIONER OF LABOUR,
MADURAI.

2 THE DEPUTY INSPECTOR OF LABOUR,
RAMANATHAPURAM.

+1. C.C. to Mr.D.SIVARAMAN Advocate SR.No.23559

PS/VR/SAR-3/18.01.2019/2P/4C

ORDER
IN
WP(MD) No.23207 of 2018
Date :18/12/2018