



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .Nos.25300 and 25307 of 2019

and

W.M.P. (MD) .Nos.21884 and 21890 of 2019, 1796 & 1797 of 2020

WEB COPY

W.P. (MD) .No.25300 of 2019:

The Management,
Tamil Nadu Salt Corporation,
Valinokkam Post,
Kadaladi Taluk,
Ramanathapuram District,
Represented by its Manager

... Petitioner

Vs.

M.Irulandi

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 29.10.2018 passed by the Labour Court in C.P.No.20 of 2011 and quash the same as illegal.

W.P. (MD) .No.25307 of 2019:

The Management,
Tamil Nadu Salt Corporation,
Valinokkam Post,
Kadaladi Taluk,
Ramanathapuram District,
Represented by its Manager

... Petitioner

Vs.

A.Latchumanan

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the Labour Court, Madurai in C.P.No.19 of 2011 and quash the same as illegal.

(In both Writ Petitions):

For Petitioner : Mr.M.E.Ilango

For Respondents : Mr.S.Karthikeyan

**COMMON ORDER**

The Writ Petitions are filed by the Management of Tamil Nadu Salt Corporation, which is a Government of Tamil Nadu Enterprise and is engaged in the manufacture of industrial grade salt and fortified salt.

WEB COPY

2. The claim of the respondents are that they are entitled to more Dearness Allowances as per the relevant Government Orders and circulars. The contention of the respondents is that the petitioner has granted salary only by including the basic pay alone. The relevant Dearness Allowances was not included in the salary slip for which the respondents relied on the salary slip issued by the petitioner's Corporation for the year February 2007, where it has been stated under the Head daily wage (jpdf;Typ) of Rs.93.40.

3. The contention of the petitioner's Corporation is that the amount of Rs. 93.40 is inclusive of basic plus Dearness Allowance and relied on G.O.(2D).No.63 Labour and Employment (J1) Department dated 18.10.2004, wherein, it is stated apart from minimum rates of wages detailed herein the Dearness Allowances payable for the period from 01.04.2006 to 31.03.2007 shall be Rs.14.40 per day. The petitioner submitted that the daily wage for the respondents are Rs.79.00 by adding Rs.14.40, the respondents are entitled to Rs.93.40 that has been paid through the salary slip. The petitioner's claim is that the petitioner could not submit the said Government Order before the authority and he may be granted an opportunity to establish the same.

4. Therefore, this Court is inclined to remit back the matter to the authorities for re-consideration. The impugned order is set aside. The petitioner Corporation is at liberty to submit the relevant Government Orders and all the relevant circulars in order to substantiate their claim. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order.

5. In view of the above, the Writ Petitions are allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

Nsr

<https://www.mhc.tn.gov.in/judis>



W.P.(MD).Nos.



19:

To:

The Labour Court, Madurai.

+1 CC to M/s.M.E.ILANGO, Advocate (SR-2278[F] dated 12/01/2023)

WEB COPY

W.P.(MD).Nos.25300 and 25307 of 2019

11.01.2023

_RK (10/03/2023) 3P 3C