

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 14376 of 2019

and

W.M.P. No.14422 of 2019

Workmen of Mohan Breweries and Distilleries Limited
Through United Labour Federation
Regn No.2651 / CNI
Represented by its Secretary
No.149, Thambu Chetty Street,
C.J. Complex, Chennai 600 001. Petitioner

-vs-

- 1.The Director of Industrial Safety & Health,
Industrial Safety and Health Directorate,
New No. 35, Old No.69, IOA Buildings,
Thiru Vi Ka High Road,
Royapettah, Chennai - 600 014.
- 2.The Deputy Director of Industrial Safety and Health,
No.6, 2nd Floor, Lal Bhadur Shastri Street,
Periyakuppam, Thiruvallur - 602 001.
- 3.The Management of Mohan Breweries and Distilleries Limited
No. 7, Selva Street, M.M.Nagar,
Valasaravakkam, Chennai - 600 087.
- 4.The Senior General Manager
The Management of Mohan Breweries and Distilleries Limited
No.7, Selva Street, M.M.Nagar,
Valasaravakkam, Chennai - 600 087.
- 5.The Senior General Manager,
The Management of Mohan Breweries and Distilleries Limited
Irukunra Palli, Venkpackam, Chengalpet,
Kancheepuram District - 603 111. Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the 1st Respondent to take steps for payment of wages
and ensure prompt payment of wages to the members of the

petitioner union, employed in M/s.Mohan Breweries and Distilleries Limited viz the 3rd Respondent herein and ensure the said payment of wages to the workers listed in the typed set.

For Petitioner : Mr. V.Prakash (Senior Counsel)
for Mr. M.Suresh

For Respondents: Mr. D.Sathyaraj (R1 and R2)
Special Government Pleader

Mr. Anand Gopalan (R3 to R5) for
M/s.T.S.Gopalan and Co.

O R D E R
(through video conference)

Heard Mr. V.Prakash, Learned Senior Counsel appearing for the Petitioner, Mr. D.Sathyaraj, Learned Special Government Pleader appearing for the First and Second Respondents and Mr. Anand Gopalan, Learned Counsel appearing for the Third to Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. In this Writ Petition filed on 13.05.2019, the grievance sought to be ventilated by the Petitioner, which is a registered trade union, is that its members who are in the employment of the Third to Fifth Respondents had not been paid their wages from March 2019 onwards. The Third to Fifth Respondents have filed a counter affidavit dated 28.07.2020 through Deputy General Manager, viz., one G.Thiyagarajan, in which details of payment of salaries paid to its employees from January 2019 to June 2020 has been furnished in its annexure as extracted below:-

Months	Date of Payment of salary	No. of working days	Monthly production Capacity - 655300 cases IMFL Unit production of cases per the month	Brewery Unit Production details for the month
Jan 2019	18-02-2019	24	272677	Nil
Feb 2019	04-05-2019	25	188498	Nil
Mar 2019	21-06-2019	26	99230	Nil
Apr 2019	11-07-2019	0	Nil	Nil
May 2019	31-07-2019	0	Nil	Nil
Jun 2019	17-08-2019	7	35134	Nil

Months	Date of Payment of salary	No. of working days	Monthly production Capacity - 655300 cases IMFL Unit production of cases per the month	Brewery Unit Production details for the month
Jul 2019	05-09-2019	28	285948	Nil
Aug 2019	30-09-2019	28	441244	Nil
Sep 2019	17-10-2019	26	4331533	Nil
Oct 2019	07-11-2019	27	434700	Nil
Nov 2019	07-12-2019	28	561100	Nil
Dec 2019	08-01-2020	29	584300	Nil
Jan 2020	07-02-2020	27	548100	Nil
Feb 2020	11-03-2020	27	576600	Nil
Mar 2020	07-04-2020	23	445400	Nil
Apr 2020	20-05-2020	0	Nil	Nil
May 2020	10-06-2020	20	234953	Nil
Jun 2020	13-07-2020	28	521000	Nil

It is rightly pointed out by the Learned Senior Counsel for the Petitioner that it would be evident from that admission of the Third to Fifth Respondents itself that the payment of wages has not been made within the prescribed time limit of the seventh day of the following the month on which it is falls due for most of the wage periods. The First and Second Respondents have also filed Counter Affidavit dated 09.07.2019 stating that the explanation given by the Third to Fifth Respondents for the delay in payment of wages to its employees has not been satisfactory and that proposal for prosecution was being sent to the concerned authority.

3. In this backdrop, the Third to Fifth Respondents have filed another affidavit dated 11.08.2020 through Deputy General Manager, viz., G.Thiyagarajan, in which it has been stated that in future, wages would be paid on time to all employees and they would undertake to comply with the statutory requirements in this regard.

4. Having due regard to the fact that the Third to Fifth Respondents have now paid the monthly wages due till date though belatedly and have undertaken to pay future wages on time to its employees, it would suffice to observe here that in the event of

default or delay in payment of wages in future to the employees by the concerned persons responsible in the establishment of the Third to Fifth Respondents, the previous delay as noticed supra shall also be taken into account for their prosecution as per law.

5. Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected writ miscellaneous petition is closed. No Costs.

-s/d-

Assistant Registrar(CS-)

True Copy

Sub-Assistant Registrar

To

- 1.The Director of Industrial Safety & Health,
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