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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 26-10-2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10678 of 2011

Garuda Security Missions,
rep.by its Proprietor Mr.N.Nagarajan

...Petitioner

-vs-

1. Regional Labour Commissioner (Central),
V Floor, III Block,
26, Haddows Road,
Shastri Bhavan,
Chennai-600 006.

2. The Labour Enforcement Officer (Central),
Government of India,
Ministry of Labour and Employment,
Room No.3 & 4, Corporation Office Complex,
Raju Street, Tatabad,
Sivanand Colony,
Coimbatore - 600 012.

...Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records of the first respondent in order, dated 31.12.2010, in Claim Application No.3 of 2010 and quash the same.

For Petitioner : Mr.K.Mahendiran
for Mr.J.Sivanandaraaj

For Respondents : M/s.N.K.Nithilavani,
Central Government Standing Counsel.

ORDER

The order of the first respondent, which was passed pursuant to a Claim Petition seeking for payment of difference of wages along with compensation under the Minimum Wages Act,1948, is put under challenge in this Writ Petition.

2. The stand taken by the writ petitioner/management is that they have already paid the difference of wages to the employees, for which purpose they also produced receipts before



the first respondent herein, and, therefore, they are not liable to pay the difference of wages any further. This stand seems to have been opposed by the Labour Enforcement Officer, the second respondent herein.

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3. After recording the submissions of the petitioner and the second respondent herein, the first respondent had come to a conclusion that the writ petitioner was liable to pay the difference of wages and the wages fixed by the Government to the employees concerned, for the period made in the Claim Application. While coming to such a conclusion, no reasons had been assigned as to how the first respondent arrived at a subjective satisfaction. The conclusion seems to be a one line order without any reasoning and such a decision would be termed as a non-speaking order.

4. The learned counsel for the petitioner would reiterate the same ground before this Court also, by stating that they have already made the payments and produced sufficient proof before the authority. Since this aspect was not specifically dealt with, by giving reasons, it would be appropriate to remit the matter back to the first respondent for reconsideration.

5. In the light of the above observations, the impugned order, dated 31.12.2010, passed in Claim Application No.3 of 2010, on the file of the first respondent is set aside and the matter is remitted back to the first respondent for reconsideration. On such consideration, the first respondent shall give due opportunity to both the parties and pass a speaking order as expeditiously as possible.

6. Writ Petition stands disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2011 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dixit
To

1. The Regional Labour Commissioner (Central),
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2. The Labour Enforcement Officer (Central),
Government of India,
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+1cc to Mr.J.Sivanandaraj, Advocate, S.R.No.55356

W.P.No.10678 of 2011

SJ[co]
NSK 29/11/2021