

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.33094 of 2012

K.Sivakumar

... Petitioner

-vs-

1. The Presiding Officer,
Additional Labour Court,
Vellore.

2. S.Natarajan

3. Proprietor,
Pandiyar Bus Service,
New Bus Stand,
Thirupattur,
Vellore District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records and quash the order, dated 24.02.2012 passed in C.P.No.181 of 2004 by the 1st respondent, the Presiding Officer, Additional labour Court, Vellore District.

For Petitioner : Mr.Gupta and Ravi

For Respondents: Mr.S.Thamizharasi (for R2)
Mr.M.Sathish Kumar (for R3)

O R D E R

This Writ petition is filed, to quash the order, dated 24.02.2012 passed in C.P.No.181 of 2004 by the 1st respondent, the Presiding Officer, Additional labour Court, Vellore District.

2. The claimant before the Labour Court contended that in terms of G.O.(MS) No.1811, Labour Department, dated 23.09.1986, G.O.(2D).No.14, Labour and Employment Department, dated 19.03.1991, G.O.(D) No.625, Labour and Employment Department, dated 25.05.1995 and G.O.(2D) No.102, Labour and employment Department, dated 22.09.1999, which has been obtained under the Right to Information Act, dated 26.09.2011, the employees working in Motor Transport Corporation as conductors are entitled to various allowances namely the Basic Pay, Dearness Allowances etc.,

3. The Labour Court accepted the contention of the Workman

and computed a sum of Rs.96,604/- payable to the Workman. Aggrieved by the said order, the Management has filed the present Writ petition on the ground the proprietorship is not covered by Motor Transport Workmen Act and that the claimant has made a huge claim of more than 2.5 lakh and the Labour Court has restricted to Rs.96,604/- and that when the said Act itself is not applicable, the workmen cannot equate themselves with the Government employees and claim exorbitant amount as minimum wages and that the Industrial Dispute is not maintainable.

4. On a perusal of documents, this Court is of the view that it is open to the workmen to approach the Labour Court for filing Computation petition, on the basis of the details given under the Right to Information Act, more so, when it is very clear that the benefits of the minimum wages is applicable to the workmen working in the industries covered by the Motor Transport Workmen Act. Even though the petitioner management has taken a plea that they have employed only three persons and that it is not covered under the Motor Transport Workmen Act and that the iota of evidence has been produced by the Management namely the records, Attendance Register and income tax records etc., apart from not even a suggestion has been put forth in the Cross examination by the Management about non applicability of the Motor Transport Workmen Act to the workmen concerned. The management also has not gone into box to state this fact and led documentary evidence. That being the case, the Labour Court has rightly passed an award, computing the amount of Rs.96,604/- and when there is no contra evidence to show that it is not covered by Motor Transport Workmen Act, consequences will have to follow and the employer is bound to pay the minimum wages applicable to the workmen. Since the order has been passed as early as in 2012 and pursuant to the interim order granted by this Court on 10.03.2015, the petitioner management has already deposited 50 % of the award amount during the pendency of the Writ Petition, the remaining 50 % of the award amount shall be paid to the Workman directly within a period of eight weeks from the date of receipt of a copy of this order. In case of non payment of any amount awarded, within the time stipulated, the amount will carry interest at 6 % per annum from the date of the order of the Labour Court. The Writ Petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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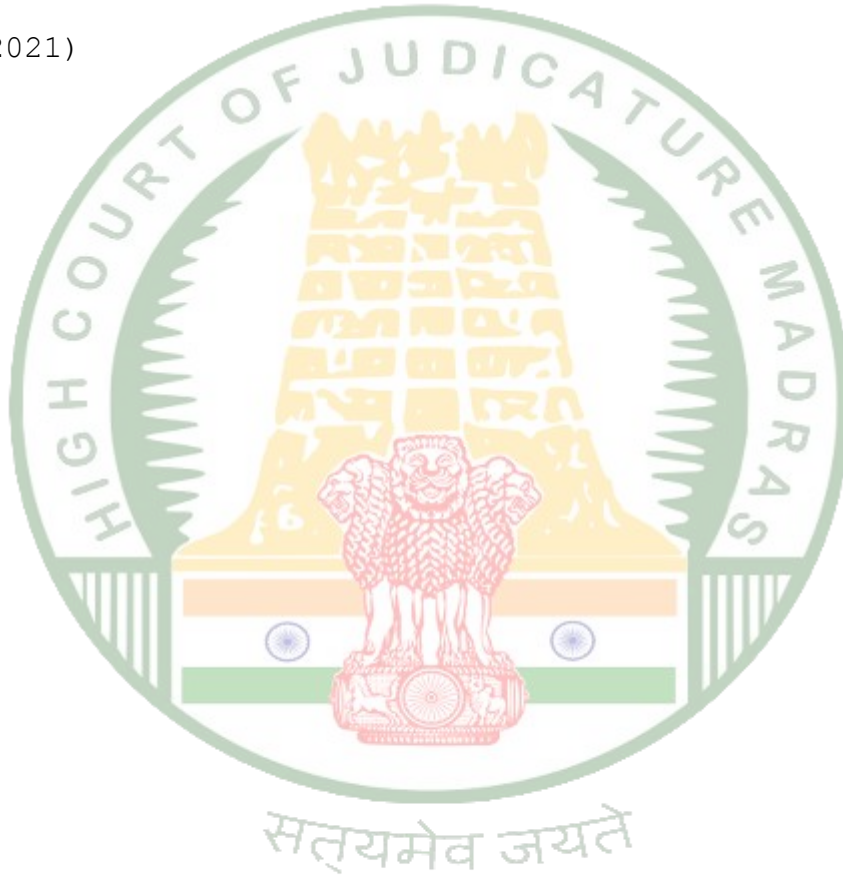
To

1. The Presiding Officer,
Additional Labour Court,
Vellore.

+1cc to Mr.Gupta and Ravi, Advocate, S.R.No. 23229

W.P.No.33094 of 2012

NRL (CO)
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