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W.A.[MD]Nos.855 & 856 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]Nos.855 & 856 of 2021

and

C.M.P.[MD]No.3799 & 3800 of 2021

The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited.,
Karur Branch - 1,
Karur.

: Appellant in both Writ Appeals

Vs.

1.The Minimum Wages Act Authority,
Deputy Commissioner of Labour,
Dindigul.

2.The Deputy Inspector of Labour,
Karur.

: Respondents in both Writ Appeals

COMMON PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the common order dated 24.01.2019 made in W.P. [MD]Nos.23520 & 23521 of 2018.

Prayer in WP(MD) . 23520/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of certiorari calling for the records relates to the order passed by the respondent No.1 herein MW 119 of 2016 dated 18.09.2017 quash the same.

Prayer in WP(MD) . 23521/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of certiorari calling for the records relates to the order passed by the respondent no.1 herein in MW 120 of 2016 dated 18.09.2017, quash the same.

For Appellant
For Respondents

: Mr.D.Sivaraman
: Mr.K.P.Krishnadass
Special Government Pleader



COMMON JUDGMENT

[Common Judgment of the Court was delivered by
T.S.SIVAGNANAM, J.]

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By consent of both parties, the appeals are taken up for final disposal.

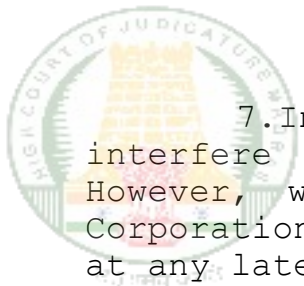
2.Heard Mr.D.Sivaraman, learned Counsel appearing for the appellant Corporation and Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the respondents.

3.These appeals by the Tamil Nadu State Transport Corporation is directed against the common order dated 24.01.2019 made in W.P. [MD]Nos.23520 & 23521 of 2018.

4.The said writ petitions were filed by the appellant Corporation challenging the orders passed by the Minimum Wages Act Auhtority namely, the Deputy Commissioner of Labour, Dindigul. The writ petitions were dismissed by the impugned common order, on the ground that the appellant Corporation is required to implement the Minimum Wages Act.

5.Mr.D.Sivaraman, learned Counsel appearing for the appellant would submit that the Government of Tamil Nadu in G.O.Ms.No.1811, Labour Department dated 23.09.1986, granted exemption to State Transport Corporations from the application of minimum wages as the wages of the employees are revised periodically by way of settlement made under Section 12(3) of the Industrial Disputes Act, between the trade unions and the management, after negotiations.

6.It may be true that there was general exemption granted earlier by the Government in G.O.Ms.No.1811, Labour Department dated 23.09.1986, however, subsequently, the Government appears to have taken a different decision as is evident from the Government Letter No.355/C1/2017 dated 26.07.2017. In the said letter which is addressed to the Managing Directors of all State Transport Undertakings, including the appellant, they were directed to implement the orders passed by the Government in G.O.(2D) No.91, Labour and Employment (J1) Department dated 12.12.2013 and sanction minimum wages prescribed in the said Government order to all the temporary employees of State Transport Undertakings (ie., Reserve Drivers & Conductors and 240 days daily wages Drivers & Conductors and Technical Staff) by complying with the orders passed by this Court in W.P.[MD]No.21436 of 2016. Though, it appears that the said writ petition pertains to a case arising out of a writ petition filed by the Arasu Pokkuvarathu Madurai Thozhilalar Sangam, Madurai, the Government letter issued by the Additional Chief Secretary to Government, Transport Department dated 26.07.2017, covers all the State Transport Undertakings.



7. In the light of the said communication, we are inclined to interfere with the common order passed in the writ petitions. However, we leave the legal issue as to whether the appellant Corporation is entitled to exemption or not open for consideration at any later point of time, if need arises.

8. With the above observations, the impugned common order is set aside and the Writ Appeals stand allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. Deputy Commissioner of Labour,
The Minimum Wages Act Authority,
Dindigul.

2. The Deputy Inspector of Labour,
Karur.

+1 CC to M/s.SPL GP (SR-16920[F] dated 21/04/2021)

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20.04.2021

SVN(CO)
KB(27.05.2021) 3P 4C