



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)Nos.8155 & 8163 of 2021

and

W.M.P (MD)Nos.6207 & 6208 of 2021

WEB COPY

Dr.R.R.Surendran

... Petitioner
in both writ petitions

Vs.

1. The Assistant Labour Inspector,
1st Circle, Integrated office complex,
Sengulam Colony, Mannarpuram,
Trichy.

2.The Joint Commissioner of Labour/Authority,
Under the Payment of Wages Act,
2nd Floor, Sengulam Colony,
Mannarpuram,
Trichy.

... Respondents
in both writ petitions

PRAYER in W.P(MD)No.8155 of 2021 : Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the order passed by the second respondent in Sa.Pa.Sa.case No.08/2020 in the file of the Joint Commissioner of Labour/Authority under the Payment of Wages Act 1936, Trichirappalli-20 and quash the same.

PRAYER in W.P(MD)No.8163 of 2021 : Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the order passed by the second respondent in M.W.Case No.53/2020 on the file of the Joint Commissioner of Labour/Authority under the Minimum Wages Act, Trichirappalli-20 and quash the same.

For Petitioner : Dr.R.Rajagopal (in both cases)

For Respondents : Ms.V.P.M.Vaishnavi
Government Advocate(in both cases)



ORDER

These writ petitions are filed to quash the impugned Notices issued by the Joint Commissioner of Labour/Authority, under the Payment of Wages Act 1936, Trichirappalli-20, in Sa.Pa.Sa.case No.08/2020, dated 29.12.2020 and M.W.Case No.53/2020, dated 28.12.2020.

2. The petitioner in both the writ petitions challenging the notices issued by the second respondent/Joint Commissioner of Labour/Authority, Under the Payment of Wages Act and Minimum Wages Act. The second respondent has issued notices calling upon the petitioner to appear for hearing on 09.02.2021 with all the records with regard to complaints given by the Assistant Inspector of Labour. The petitioner has made averments elaborately prevailing the COVID-19 pandemic situation. In addition to that, he made allegations against the first respondent that he demanded money and when the petitioner refused to give the amount, the first respondent has given a false complaint against the petitioner. According to the petitioner, even if the staffs are not working during this pandemic period, he has paid the entire salary to all his staffs. The petitioner gave representation, dated 10.11.2020, to the first respondent. The first respondent has not considered the said representation. The first respondent failed to verify the documents of payment made by the petitioner. The first respondent demanded money. When the petitioner refused to give the amount, he made false complaint against the petitioner. The petitioner came to know that based on the complaints received against the first respondent by the Superior authorities, the first respondent was transferred to other place and prayed for setting aside the impugned notices in both writ petitions.

3. Heard Dr.R.Rajagopal, learned counsel appearing for the petitioner and Ms.V.P.M.Vaishnavi, learned Government Advocate appearing for the respondents.

4. The petitioner is challenging the notices issued by the second respondent to appear for enquiry on 09.02.2021. According to the petitioner, he has made all the payments to his employees and there is no due to his employees. In such circumstances, it is for the petitioner to appear in person or authorise his representative to appear before the second respondent and produce all the documents and prove his case that the first respondent has made false complaint against him. The impugned notices directing the petitioner to appear for enquiry, cannot be set aside.



5. In view of the above, both the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The Assistant Labour Inspector,
1st Circle, Integrated office complex,
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2. The Joint Commissioner of Labour/Authority,
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W.P. (MD) Nos.8155 & 8163 of 2021

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SRK(CO)

TR(30.04.2021) 3P 3C