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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2021

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)Nos.991 to 993 of 2021

and

CMP(MD) .Nos.4509, 4512 and 4518 of 2021

1. The Principal Chief Conservator of Forest,
Panagal Maligai, Saidapet,
Chennai - 15.

2. The Conservator of Forest,
N.G.O."B" Colony,
Thirunelveli-7.

3. The Divisional Forest Officer,
Social Forestry Division,
Tirunelveli.

... Appellants/Petitioners
(in all the Writ Appeals)

Vs.

1. The Tamil Nadu Social Forestry Workers,
Plot Watchers Union,
Rep. by its General Secretary,
Thiru. P.Ramasamy,
T.N.S.F.W.P.Watchers Union,
Thoothukudi District.

2. The Deputy Commissioner of Labour,
The Tribunal Constituted under the
Provisions of Minimum Wages Act,
Tirunelveli - 2.

... Respondents/Respondents
in all the Writ Appeals

Common Prayer: Writ Appeal filed under Clause 15 of Letters Patent,
against the order of this Court made in W.P.(MD) Nos.3881, 3882 and
3883 of 2013, dated 14.09.2020.

Common Prayer in W.P.(MD) Nos.3881 to of 2013:

Writ Petitions are filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
<https://hcservices.ecourts.gov.in/hcservices/>



Certiorari, calling for the records pertaining to the order of the 2nd respondent herein dated 30.11.2012 in M.W.Nos. 484 of 2007, 482 of 2007 & 11 of 2008 and quash the same respectively.

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For Appellants

: Mr.A.K.Manickam,
Standing Counsel for Government
(in all W.As)

COMMON JUDGMENT

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

Heard Mr.A.K.Manickam, learned Government Counsel appearing for the appellants.

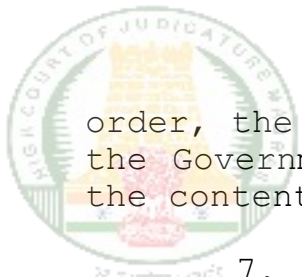
2. These appeals have been filed by the State challenging the order passed in the W.P.(MD) Nos.3881, 3882 and 3883 of 2013, dated 14.09.2020.

3. The writ petitions were filed by the appellants challenging the order passed by the Deputy Commissioner of Labour, who is the Tribunal constituted under the provisions of the Minimum Wages Act, Tirunelveli.

4. By the order dated 30.11.2012, the said Tribunal allowed the applications filed by the respondents and computed the minimum wages payable by order dated 30.11.2012. The said order was challenged by the appellants by way of the writ petitions. Two grounds were raised before the learned Writ Court. Firstly, the Government Order in G.O.Ms.No.82, Labour and Employment (J1) Department, dated 27.09.2002, came to be passed exempting the Social Forestry Workers from demanding minimum wages or any benefits under the Minimum Wages Act, 1948.

5. The second ground of challenge was there is an inordinate delay of nine years in making the claim for minimum wages and consequently, back wages. So far as the first ground is concerned, we find that the appellants have not raised the points, specifically. In any event, the Tribunal, which has been constituted under the Minimum Wages Act, it is admittedly, a Social Welfare legislation is entitled to decide all issues, namely, as to whether the employees were given regular employment, whether they were paid consolidated pay, which was far below the minimum wages prescribed and what would be the effect of any direction given by the Government.

6. Admittedly, the Government Order in G.O.Ms.No.82, Labour and Employment (J1) Department, was issued only on 27.09.2002, whereas, the appellants have been engaged in the Social Forestry Scheme from the year 1999 onwards. Therefore, by the exemption



order, the claims of the workmen which accrued to them much prior to the Government order cannot be taken away. In any event, it was not the contention raised before the Tribunal.

7. The second ground of challenge was there is a delay of nine years in approaching the Tribunal. The delay has been explained to the satisfaction of the Tribunal and the reasons assigned by the Tribunal will clearly show that the employees cannot be non-suited on the ground that they have approached the Tribunal belatedly.

8. The learned Writ Court tested the correctness of the order and also took note of the judgment of a Division Bench in W.A.No.2183 of 2012 etc., batch and dismissed the writ petitions. We find, there is no ground made out by the appellants to interfere with the said order.

9. Accordingly, these Writ Appeals fail and they are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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. The Deputy Commissioner of Labour,
The Tribunal Constituted under the
Provisions of Minimum Wages Act, Tirunelveli - 2.
2. The Principal Chief Conservator of Forest,
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