



W.P.(MD)No.10280 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.10.2022**

CORAM

THE HON'BL MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.10280 of 2014

and

M.P.(MD)No.1 of 2014

A.A.Jegatheeson

... Petitioner

Vs.

1. The Authority under the payment of
Minimum Wages Act,
(Deputy Commissioner of Labour)
1/5 C, Rathinasami Nadar Road,
Visalakshipuram,
Madurai – 625 014.

2. Inspector of Factories,
Virudhunagar.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in relating to the order passed by the 1st respondent in M.W.1 of 2012, dated 16.10.2012 and to quash the same.



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For Petitioner : Mr.C.Karhtikeyan

For Respondent : Mr.P.Thambidurai
Government Advocate (Civil side)

ORDER

This Writ Petition is filed challenging the impugned order passed by the first respondent, dated 16.10.2012.

2. According to the petitioner, total number of employees is 73, out of which 42 employees are Trainees/Apprentices. The contention of the petitioner is that 29 casual employees and 2 temporary employees were paid full wages as per the statutory provision. However, the respondents brought to the notice of the petitioner that the wages are not as per the provisions for the casual and temporary employees.

3. As far as the apprentice is concerned, the apprentice is



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eligible for 50% of the minimum wages fixed for the said category. The learned Counsel appearing for the petitioner relied on G.O.2(D) 49, Labour and Employment (J1), dated 23.07.2004. This Government Order was published in Gazette on 15.09.2004, under Clause 7, it is stated as under:

“7. Learners employed shall be paid 50% of the minimum wages fixed for the category to which they belong.”

4. The first respondent has pointed out that the 50% was not paid. The contention of the petitioner is that 42 persons were apprentice , minimum wages not applicable to them and relied on the Standing Orders.

5. The respondents have not carefully analyzed this factor and has passed an award directing Rs.1,89,188/-. The learned Counsel further submitted that the petitioner have already paid and disbursed Rs.80,247/- for 51 employees and the petitioner got certificate from the



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Bank of Tamil Nadu Mercantile Bank, Sivakasi which was also marked as Ex.M.6. This Factor was also not taken into account.

6. This Court is of the considered opinion that the first respondent ought to redo the entire exercise based on the records submitted by the petitioner. Therefore, the matter is remitted back to the first respondent and the first respondent is directed to peruse all the records submitted by the petitioner. The petitioner is at liberty to submit further documents before the authority. After thorough scrutiny of the evidence and taking into consideration of the submissions of the petitioner, the respondents shall pass speaking order.

7. With the above said direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.10.2022

Index : Yes / No
Internet : Yes / No
jbr

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S.SRIMATHY, J

jbr

Order made in
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10.10.2022