



W.P.No.31646 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.31646 of 2016

Mahatma Gandhi Medical College & Research Institute
Contract Labour Vazhvurimai Sangam,
Reg.No.1805/RTU/2016,
Rep. by its President S.Boominathan,
Having office at No.87, 4th Cross, Moogambigai Nagar,
Reddiarpalayam, Puducherry-605 010

...Petitioner

Vs.

1. The Commissioner of Labour,
Labour Department,
Government of Puducherry,
Puducherry.
2. Mahatma Gandhi Medical College & Research Institute,
Rep. by its Senior Personal Manager,
Having its College & Hospital at Pondy-Cuddalore Main Road,
Pillaiyarkuppam, Puducherry – 607 403.
3. IG Enterprises,
Rep. by its Proprietor I.Gerold,
Boukare Street, Karamanikuppam,
Puducherry.

...Respondents



W.P.No.31646 of 2016

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd and 3rd respondents to pay minimum wages to the petitioner union members as per the Government of Puducherry order G.O.Ms.No.11/Lab/AIL/G/2015, Labour Department dated 09.10.2015 and pay its arrears since 09.10.2015 within a stipulated time, consequently direct the 1st respondent to take appropriate legal action including initiate prosecution against the 2nd and 3rd respondents for non-payment of statutory minimum wages to its employees.

For Petitioner : Mr.P.R.Thiruneelakandan

ORDER

This Writ petition has been filed seeking direction to the 2nd and 3rd respondents to pay minimum wages to the petitioner union members as per the Government of Puducherry order G.O.Ms.No.11/Lab/AIL/G/2015, Labour Department dated 09.10.2015 and pay its arrears since 09.10.2015 within a stipulated time and to consequently direct the 1st respondent to take appropriate legal action against the 2nd and 3rd respondents for non-payment of statutory minimum wages to its employees.

2. The case of the petitioner is that the members of the petitioner association are working in the 2nd respondent establishment and are employed in day to day activities. While so, the 2nd respondent did not pay the statutory minimum wages to its employees as stated by the Government



W.P.No.31646 of 2016

of Puducherry, vide G.O.Ms.No.11/Lab/AIL/G/2015, Labour Department dated 09.10.2015, wherein the minimum wages to all the employees employed in Hospital and Nursing home other than the employees employed in State Insurance Hospital and Dispensaries were prescribed. Therefore, the petitioner association preferred a complaint demanding the 2nd respondent to pay the minimum wages as prescribed in the above said order dated 09.10.2015. Pursuant to the said complaint, the Labour Officer conciliation, vide proceedings dated 14.07.2016, advised the 2nd respondent to pay the statutory minimum wages as fixed under the above said Government order dated 09.10.2015, despite which, the 2nd respondent failed to pay the minimum wages to the employees as prescribed in the Government order dated 09.10.2015. Aggrieved by the said action of the 2nd respondent, the petitioner made a representation dated 30.08.2016 before the respondents, seeking to pay statutory minimum wages and its arrears from 09.10.2015 to the workers, however, till date, no orders have been passed on the said representation. Hence, this Writ petition.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues



W.P.No.31646 of 2016

direction to the 2nd respondent to consider the petitioner association's representation dated 30.08.2016 and to consequently, pay minimum wages to the members of the petitioner union as per the G.O.Ms.No.11/Lab/AIL/G/2015, Labour Department dated 09.10.2015 and also pay its arrears since 09.10.2015 as early as possible.

4. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the petitioner's representation dated 30.08.2016 on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

5. With the aforesaid direction, this Writ Petition stands disposed of.

No costs.

10.07.2023

skt

NCC : Yes / No

Speaking Order : Yes / No

Index : Yes / No

4/6



W.P.No.31646 of 2016

WEB COPY To

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W.P.No.31646 of 2016

M.DHANDAPANI., J.

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W.P.No.31646 of 2016

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