



WEB COPY



W.A.No.1667 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M/s.NLC Tamilnadu Power Limited,
rep. by its Chief Executive Officer,
Project at Harbour Estate, Tuticorin-628 004
Having Registered Office at No.135,
EVER Periyar High Road, Kilpauk,
Chennai – 600 010.

.. Appellant

Vs

1.The Tamilnadu Min Uzhiyar Mathiya Amaippu,
rep. by its Secretary,
No145/1A, Ettaiyapuram Road,
Tuticorin-628 002.

2.The Deputy Chief Labour Commissioner (Central),
Authority under Rule 25(2)(v)(a)&(b) of CL (R&A) Act, 1970
5th Floor, Shastri Bhawan,
Chennai-600 006.

.. Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent to set aside the
order dated 23.6.2021 passed in WMP No.12809 of 2021 in
W.P.No.12039 of 2021 by the learned Single Judge.



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For the Appellant : Mr.N.Nithianandam

For the Respondents : Mr.V.Ajoy Khose
for respondent No.1

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.N.Nithianandam, learned counsel for the appellant and Mr.V.Ajoy Khose, learned counsel for the first respondent.

2. The present appellant has filed W.P.No.12039 of 2021 against the order passed by the authority under Rule 25(2)(v)(a) and (b) of the Contract Labour (Regulation and Abolition) Central Rules, 1971 and the Deputy Chief Labour Commissioner (Central), Chennai.

3. The learned Single Judge, by way of an interim order, directed the appellant to pay Rs.100/- per head/per person from



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1.6.2021 to the four categories of employees, over and above what is reflected in paragraph (13) of the affidavit. The same is assailed in the present appeal.

4. Learned counsel for the appellant strenuously contends that the authority (second respondent) has dismissed the claim of the workers under the provisions of Rule 25(2)(v)(a) and (b) of the Rules. Even after dismissing the claim, further order is passed directing the present appellant to pay minimum wages being paid to the contract workers who handle coal anywhere in India, as ordered by the Coal India Limited and also being paid by NLCIL in its Coal Unit at Talabira, Odhisha. Learned counsel submits that the same was not permissible. Once the claim was dismissed, no further order could have been passed by the authority.

5. It is further submitted by learned counsel for the appellant that the contractor was not made a party. A request was made to make the contractor a party. The claimants are employees of the contractor. In the absence of the contractor, no order could have



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been passed against the present appellant. The employees employed through a contractor cannot be treated on par with the other employees of the appellant.

6. We have heard learned counsel for the first respondent also.

7. The appellant pays the daily wages to the claimants herein as under:

<i>Category</i>	<i>Existing Wages Rs./Day</i>	<i>DA paid w.e.f. 01.04.2021 Rs./Day</i>	<i>Total Wages Paid w.e.f. 01.04.2021 Rs./Day</i>
Unskilled	350	81	431
Semi-skilled	410	95	505
Skilled	494	115	609
Highly Skilled	579	135	714

8. The present appellant pays daily wages to the other employees as under:



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Sl.No.	Category of contract workers	NLC India Ltd., Neyveli campus paid as per tripartite settlement (as on 1.1.2020)	NLC India Ltd., Odhisha campus paid as per orders of the High Power Committee of Coal India Ltd., (Office order No.CIL/C-58/JBCCI/JC/VDA/277, dt. 22.10.2020)	NTPL, Tuticorin paid as notified by the Ministry of Labour
1	Unskilled	719.20	906	420/-
2	Semi-skilled	748.20	941	492/-
3	Skilled	776.20	975	593/-
4	Highly Skilled	806.00	1010	695/-

9. It would appear that there is a vast disparity in the amount being paid to the contract workers in the establishment of the appellant and the one paid to the present claimants. The learned Single Judge has passed an equitable order subject to the final decision in the writ petition. The discretion has been exercised in a plausible and reasonable manner.

10. The order impugned also would not bring the daily wages paid to the present claimants on par with the daily wages paid to the contract workers in the establishment of the appellant.



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11. Considering the fact that the discretion has been exercised in a plausible manner, we are not inclined to interfere with the order passed by the learned Single Judge.

The writ appeal, as such, is dismissed. There will be no order as to costs. Consequently, C.M.P.No.10510 of 2021 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

15.11.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

The Deputy Chief Labour Commissioner (Central),
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5th Floor, Shastri Bhawan,
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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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