



W.P.Nos.24663, 12770, 24665, 24670, 24674, 24678 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 27.09.2023**

**CORAM**

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

**W.P.Nos.24663, 12770, 24665, 24670, 24674, 24678 of 2023**

Food Corporation of India Workers Union  
(Chennai Branch)

Represented by the Vice President

I.Selvaraj

... Petitioner in W.P.24663/2023

Vs.

- 1.The Deputy Chief Labour Commissioner (C)  
Ministry of Labour and Employment Sastry Bhavan,  
No.26, Haddows Road, "A" Wing,  
5<sup>th</sup> Floor, Nungambakkam,  
Chennai – 600 006.
- 2.The Regional Labour Commissioner (Central)  
Sastry Bhavan,  
No.26, Haddows Road, "A" Wing,  
5<sup>th</sup> Floor, Nungambakkam,  
Chennai – 600 006.
- 3.The General Manager,  
Food Corporation of India,  
Regional Office,  
8, Sathyamurthy Road,  
FCI, FSD, Egmore Complex,  
Chetpet,  
Chennai – 600 031.
- 4.The Area Manager,  
Food Corporation of India,  
District Office,  
No.1, Bharathi Road,  
Cuddalore – 607 001.



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5.The Manager (Depot),  
Food Corporation of India,  
FSD, Manalur Post,  
Chidambaram – 608 602.

... Respondents in W.P.24663/2023

**Prayer in W.P.No.24663 of 2023:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling upon the order of the second respondent passed in his proceedings in Claim Application No.M.39/MWA/176/2020-B2 dated 19.01.2023 which was received by the petitioner union on 23.01.2023 and quash the same and consequently direct the second respondent to re hear the claim application in accordance with the provisions of the Minimum Wages Act, 1948 and pass orders on merits within a time frame for 36 NWNP workers of the petitioner union working in FCI FSD Chidambaram Depot.

For Petitioner : Mr.P.Ebenezer Paul  
in all the W.Ps.

For Respondents : Mr.J.Madanagopal Rao for R1 and R2  
in all W.Ps. except W.P.12770/2023

Mr.R.P.Pragadeesh for R1 and R2  
in W.P.12770/2023

Mr.C.K.Chandrasekar for FCI  
in all the W.Ps.



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## **COMMON ORDER**

Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

2.The facts of the case is that the members of the petitioner union filed claim petitions for the difference of short payment of minimum wages in accordance with Section 2(g) of the Minimum Wages Act with a prayer seeking direction under Section 20(3) of the Minimum Wages Act for compensation for the less payment effect to them before the Authority under the Minimum Wages Act and the said claim petitions were dismissed for non-appearance of the applicants. Challenging the same, the petitioner union has filed these writ petitions.

3.The learned counsel appearing for the petitioner submitted that the members of the petitioner union filed claim petitions before the Authority under the Minimum Wages Act and the said claim petitions were dismissed for non-appearance of the applicants, which is clear violation of principles of natural justice. The Authority under the



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Minimum Wages Act, without giving opportunity to the members of the petitioner union, dismissed their claim petitions.

4.Per contra, the learned counsel appearing for the Food Corporation of India vehemently opposed the submission made by the learned counsel appearing for the petitioner and submitted that the members of the petitioner union produced fake wage bills before the Authority under the Minimum Wages Act and the issue was pending for more than five years and hence, considering the non appearance of the applicants, the Authority dismissed the claim petitions, which warrants no interference.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Admittedly, the members of the petitioner union filed claim petitions before the Authority under the Minimum Wages Act for the difference of short payment of minimum wages in accordance with Section 2(g) of the Minimum Wages Act with a prayer seeking direction under Section 20(3) of the Minimum Wages Act for compensation for the less payment effect to them and the said claim petitions were



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dismissed for non-appearance of the applicants, which is clear violation of principles of natural justice.

7.In view of the above, the orders impugned in these writ petitions are set aside and the matter is remanded back to the Authority Under The Minimum Wages Act, 1948 And Regional Labour Commissioner (Central), Chennai. The Authority Under The Minimum Wages Act, shall consider the matter afresh and after providing opportunity to the petitioner as well as the Food Corporation of India, shall dispose of the claim petitions, within a period of twelve weeks from the date of receipt of a copy of this order. The concerned members of the petitioner union/ applicants in the claim petitions are directed to co-operate with the Authority Under The Minimum Wages Act for early disposal of the claim petitions.

8.These writ petitions are allowed on the above terms. No costs. Consequently, connected miscellaneous petitions, if any, are closed.

**27.09.2023**

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Speaking Order/ Non Speaking Order  
Index: Yes/ No  
Internet: Yes/ No

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To

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**M.DHANDAPANI,J.**  
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