



W.P.No.40023 of 2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

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

W.P.No.40023 of 2016

Mahatma Gandhi Maruthuva Kallori Matrum Aaraichi
Niruvana Thozhilalar Vazhvurimal Sangam,
Reg. No.1794/RTU/2016,
Rep. By its Secretary R.Velmurugan,
Havng Office at No.78, First Cross Street,
Mookambigai Nagar, Reddiyarpalayam,
Puducherry-10.

...Petitioner

Vs

1. The Commissioner of Labour-cum-
certifying Officer,
Office of the Commissioner of Labour,
Pondicherry, Labour Department,
Government of Puducherry, Puducherry.

2. Mahatma Gandhi Medical College,
& Research Institute,
Rep by Senior Personal Manager,
Having College & Hospital at Pandy-Cuddalore Main Road
Pillaiyarkuppam, Puducherry-40.

...Respondents

The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus Direct the 1st respondent to take appropriate legal action against the 2nd respondent for violation of



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provision of section 3 of the Industrial Employment Standing Order Act 1946 for not having certified standing order in the 2nd respondent establishment and till such time direct the 2nd respondent herein to follow the model standing order applicable to the 2nd respondent establishment till the standing order certified by the certifying officer under the Industrial Employment Standing Order Act 1946.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.A.Tamilvanan, AGP(P) R1
R2 - NDW

ORDER

The petitioner has filed the present writ petition seeking a direction to the 1st respondent to take appropriate legal action against the 2nd respondent for violation of provision of section 3 of the Industrial Employment Standing Order Act 1946 for not having certified standing order in the 2nd respondent establishment and till such time, direct the 2nd respondent herein to follow the model standing order applicable to the 2nd respondent establishment till the standing order certified by the certifying officer under the Industrial Employment Standing Order Act 1946.



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2. It is the case of the petitioner that the Government vide its order GO Ms.11/Lab/G/2015 prescribed minimum wages to all the employees employed in the Hospital and nursing home other than the employees employed in the ESI Hospitals. Based on the complaint before the Labour Officer, the matter was enquired and directed the second respondent to pay the minimum wages fixed under the GO stated supra. For non payment of the statutory minimum wages as fixed by the Government, the petitioner made a detailed representation before the second respondent dated 17.08.2016 and the same was not considered. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may direct the second respondent to consider the petitioners representation dated 17.08.2016 and pass appropriate orders within the reasonable time as fixed by this Court.

4. Heard the learned counsel on either side and perused the materials available on record.



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5. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court directs the second respondent to consider the representation dated 17.08.2016 within a period of four weeks, after providing opportunity to the petitioner as well as the second respondent, on merits and in accordance with law, from the date of receipt of a copy of this order, if there is no legal impediment.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

12.07.2023

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Index: yes / no

Internet : yes / no

Speaking / Non speaking order



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To

The Commissioner of Labour-cum-
certifying Officer,
Office of the Commissioner of Labour,
Pondicherry, Labour Department,
Government of Puducherry, Puducherry.



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M.DHANDAPANI, J.

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