



W.P.No.20578 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.20578 of 2014

and

W.M.P.No.1 of 2014

Ramana Sekhar Steels Ltd.,
Rep. by it Managing Director

... Petitioner

Vs.

1. Dy. commissioner of Labour-2
Authority under the
Minimum Wages Act 1948, DMS Complex,
Teynamper, Chennai - 600 006.

2. Chennai Yetrumathi Valaga Uzhiyargal
Matrum Potum Thozilalar Sangam.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the first respondent in MW IA No.5 of 2013 and quash the order dated 02.06.2014.

For petitioner : Mr.P.Raghunathan
for M/s.Gopalan and Co.

For R1 : Ms.C.Sangamithirai
Special Government Pleader

For R2 : No appearance



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ORDER

This writ petition is filed challenging to set aside the order passed in MW I.A.No.5 of 2013 dated 02.06.2014.

2. The facts in brief as per the affidavit are as follows:

2.1. The petitioner's company came into existence from the year 1998 which undertakes the job of converting steel coils into steel sheets to the specification of the clients. The petitioner's company engaged 79 workers in his factory and since his company incurred huge lossess, it became as a sick company and registered with BIFR in the file No.144 of 2001 and owes a sum exceeding Rs.16 crores to various financial institutions.

2.2. The second respondent union filed I.A.No.5 of 2013 before the first respondent with a delay upto 5070 days under Minimum Wages Act alleging that they were not paid minimum wages and the said application was



allowed. Aggrieved by the same the present writ petition is filed on the ground that the second respondent union has not filed any affidavit, not placed any material and have not examined any witness, even then the delay was condoned without speaking orders.

3. Heard the learned counsel for the petitioner as well as the Special Government Pleader appearing for the first respondent.

4. The second respondent herein is arrayed as a contesting respondent and is not being represented by any counsel even though his name is printed.

5. Minimum Wages Act and other similar other enactments have been enacted to regulate and maintain harmony in the industry. If a person is aggrieved under the Minimum Wages Act alleging that an employer has not been paying minimum wages, then an application to that extend has to be filed not later than six months from the date of arising the cause of action. If at all there is no limitation, then there is a possibility that inorder to harass



the management, workers may bring the litigation at any time irrespective of lapse of number of years from the date of arising of cause of action.

6. However, at the same time, if any genuine reasons are placed before the authorities for raising the disputes belatedly in respect of non-payment of minimum wages, the delay can be condoned. Number of days of the delay to be condoned is not a criteria to consider the application but the criteria is whether the reasons for not initiating the proceedings under the Minimum Wages Act within a time stipulated are explained convincingly or not. In order to ascertain as to the reasons for delay in filing the application the respondent union is expected to produce evidence in the form of an affidavit and documents if necessary.

8. However, on perusal of the entire records, it is clear that the respondent Union has not placed any material and has not given any affidavit explaining the reason for condonation of such a huge delay of 5070 days. The first respondent has not recorded the reasons for the condoning delay.



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9. Considering the same, the order passed in MW IA No.5 of 2013, condonation delay of 5070 days is set aside. Accordingly, this Writ petition stands allowed. Costs made easy.

08.12.2023

vca

Citation : Yes/No
Index : Yes/No
Internet : Yes/No

To:

Dy. commissioner of Labour-2
Authority under the
Minimum Wages Act 1948, DMS Complex,
Teynamper, Chennai - 600 006.

DR. D.NAGARJUN,J.

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