



W.P.Nos.29837, 29838 & 29839 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition Nos.29837, 29838 & 29839 of 2014

1.The Regional Forest Conservator
Coimbatore.

2.The Division Forest Officer
Coimbatore.

.... Petitioners in all W.Ps.

-Vs-

1.N.Subramanian
Super numeric Plot Watcher
Tiruppur Division

.... R1 in W.P.No.29837/2014

S.Durairaj
Super Numeric Plot Watcher
Pollachi Division

.... R1 in W.P.No.29838/2014

N.Baskaran
Forest Watcher
Gudalur Division

... R1 in W.P.No.29839/2014

2.The Presiding Officer
Labour Court, Coimbatore.

... R2 in all the W.Ps.

Common Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in C.P.No.261/2008, 274/2008 and 278/2008 dated 28.03.2013 on the file of the 2nd respondent.



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In all W.Ps

For Petitioners : Mr.M.Rajendran
Additional Government Pleader

For Respondents : Mr.C.K.Chandrasekaran – for R1
R2 – Labour Court

COMMON ORDER

These writ petitions challenge the order passed in C.P.No.257 of 2008 batch. The case of the workmen is that they were working as Social Forestry Workers with the Forest Department. Insofar as C.P.No.259 of 2008 is concerned, they were working as Plot Watchers with the same Department.

2. The workmen/ petitioners in the Computation Petitions were being paid consolidated pay. Later on, the Government issued an order, whereby it was decided that Forestry Workers and Plot Watchers would be paid minimum wages from 1983. From 1983 to 1992 there was no issue. The petitioners were receiving minimum wages. Thereafter, till 31.08.2006 the workmen were being paid only consolidated pay. Yet again, from 01.09.2006 onwards, minimum wages were paid. They filed Computation Petitions for the period commencing from 01.05.1993 to 31.08.2006. The petitioners calculated that each of them were entitled to Rs.1,77,476.47 paise. Since demands were made and they were



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not satisfied, the workmen came forward with these computation petitions.

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3. The respondent took a stand that after the Government had issued regularisation orders, it was decided to pay minimum wages, but in the meanwhile an order was issued in G.O.Ms.No.82, Labour and Employment (J1) Department dated 27.09.2002 exempting the Social Forestry workers from the provisions of the Minimum Wages Act. Since the petitioners were paid enhanced wages from 01.09.2006, according to the management Forest Department, they are not entitled for being paid minimum wages.

4. The labour Court went into this issue and came to the conclusion that G.O.Ms.No.82, Labour and Employment (J1) Department came into force only on 23.10.2002 and that till that date the Forestry workers are entitled to be paid minimum wages. According to the labour Court, the G.O., referred to by the respondents applies only to Social Forestry Workers and not to Plot Watchers. Therefore, it held that Plot Watchers were entitled to be paid minimum wages till 31.08.2006. The labour Court analysed the Government Order and applied it to the facts and circumstances of the batch matter. It distinguished between Social Forestry Workers and Plot Watchers and came to the conclusion that Social Forestry Workers are entitled to differential pay what was actually being paid as minimum wages between 01.05.1993 to 23.10.2002. Since the said Government



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Order did not apply to the Plot Watchers, the labour Court directed differential wage from 01.05.1993 to 31.08.2006.

5. I have heard the learned Additional Government Pleader appearing for the petitioners / Forest Department and Mr.C.K.Chandrasekaran, learned counsel for the respondent workmen.

6. I do not find any illegality or perversity in the order. The Government Order relied upon by the Forest Department is not retrospective in operation. It came into force only on 24.10.2002. Therefore, the Social Forestry Workers are entitled to minimum wages from 01.05.1993 to 23.10.2002 when the Government Order of the year 1983 was in force.

7. Insofar as the Plot Watchers are concerned, the 1983 Government Order continued to be in force from 1983 till 31.08.2006. Therefore, the labour Court correctly came to the conclusion that Plot Watchers are entitled to difference in wage from 01.05.1993 to 31.08.2006 and computed the same at Rs.1,77,476.47 paise. As G.O.Ms.No.82 dated 27.09.2002 intervened, insofar as the Social Forestry Workers are concerned, the calculation of difference in wage from 01.05.1993 to 23.10.2002 was correctly done by the labour Court, which does not require any interference in the hands of this Court. Accordingly, the



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writ petitions are dismissed. No costs.

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Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

The Presiding Officer
Labour Court, Coimbatore.



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V. LAKSHMINARAYANAN, J.

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