



WEB COPY



W.P.No.34912

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HON'BLE MR. JUSTICE K.KUMARESH BABU

W.P.No.34912 of 2023

Motor Thozhilalar Sangam,
(Reg.No.SAT/214)
Rep. its Secretary Mr.A.Rajasekar,
No.2, Thandhai Periyar Bus stand,
Chidambaram – 608 001
Cuddalore District.

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Commissioner of Labour,
DMS Campus DMS Subway,
Anna Salai, Chokkalaingam Nagar,
Teynampet, Chennai – 6.

3.The Deputy Commissioner of Labour,
(Enforcement)
Cuddalore,
Cuddalore District.

4.The Assistant Commissioner of Labour,
(Enforcement)
Cuddalore,
Cuddalore District.

... Respondents



W.P.No.34912

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 3rd and 4th respondents to take appropriate steps to implement the Minimum Wages to the members of the petitioner Union as per the Government order in G.O.(2D) No.1, Labour and Employment (J1) Department dated 02.01.2023 and consequential order issued by the 2nd respondent dated 27.02.2023 together with the arrears payable from 01.04.2022 based on the petitioner's letter dated 20.02.2023 to 4th respondent.

For Petitioner : Mr.Jothimanian
for Mr.M.Ragul Kousik

For Respondents : Mr.D.Gopal
Government Advocate

ORDER

The petition sought for a mandamus to direct the third and fourth respondents to take appropriate steps to implement the Minimum Wages to the members of the petitioner Union as per the Government order in G.O.(2D) No.1, Labour and Employment (J1) Department dated 02.01.2023 and consequential order issued by the second respondent dated 27.02.2023 together with the arrears payable from 01.04.2022 based on the petitioner's letter dated 20.02.2023 to the fourth respondent.

2.Mr.D.Gopal, learned Government Advocate takes notice for the respondents.



3.It is brought to the notice of this Court by the learned Government Advocate appearing for the respondents that based on the representation of the petitioner Sangam, the fourth respondent herein had sent a communication dated 16.02.2023 requesting the petitioner Sangam to furnish the details of the respective employees by communication dated 20.02.2023. The petitioner herein had given details of the various employees in which the members of the petitioner Sangam are employed. Pursuant to the said reply, the petitioner Sangam had also requested the respondents to take necessary action and till date, no effective steps had been taken by the respondents forcing the petitioner to approach this Court. He would submit that the last of such representation was made by the petitioner on 25.01.2023 and the same is also not yet disposed of by the respondents.

4.Considering the facts and circumstances of the case and in action on the part of the fourth respondent to dispose of the claim of the petitioner, I am of the view that it would be just & proper to direct the fourth respondent to consider the claim of the petitioner based on their representation made by them which has been given proceedings No.Na.Ka.No.E/3373/2022 on the file of the fourth respondent. The fourth respondent shall consider the claim of the petitioner herein and take appropriate steps as per law within a period of 12 weeks from the date of receipt of a copy of this order.



W.P.No.34912 -----

5. With the aforesaid direction, this Writ Petition is disposed of. There shall be
no order as to costs.

20.12.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
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To
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K.KUMARESH BABU, J.

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