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W.P.No.34407 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.34407 of 2018 and
W.M.P.No.39981 of 2018

Bharath Engineering University,
Represented by Management,
Selaiyur, Agraharam Road,
Chennai - 600 073.

... Petitioner

Vs.

1. The Chennai Export Processing Zone,
General Labour Association,
Reg.No.1234/CPT,
No.15, Kannan Street,
Kaderperi, Tambaram,
Chennai - 600 045.

2. The Joint Commissioner of Labour II,
Office of the Commissioner of Labour,
Anna Salai, Teynampet,
Chennai - 600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, calling for records of the 2nd respondent in M.W.No.1 of 2016 and quash the same.



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For Petitioner : Dr.P.Vasudevan for
Mr.V.Chinnasamy

For Respondents : Ms.S.Sindhumathy for
For R1 Mr.V.Ajoy Khose

For R2 : Ms.P.Vijayadevi,
Government Advocate

ORDER

The 1st respondent / the Chennai Export Processing Zone, General Labour Association, Chennai filed a petition against the present petitioner / the Bharath Engineering University, represented by its Management, Chennai in M.W.No.1 of 2016 before the 1st respondent / Joint Commissioner of Labour II, Chennai to recover a sum of Rs.1,92,061/- , as per Section 20 (2) of the Minimum Wages Act, 1948, for the persons who were working as security guards.

2. The 1st respondent / Joint Commissioner of Labour II, Chennai vide his orders dated 13.03.2018, directed the present Writ Petitioner to pay a sum of Rs.1,92,061/- towards minimum wages and a sum of Rs.1,92,061 towards compensation (totalling to a sum of



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Rs.3,84,122/-) along with a sum of Rs.40,000/- within a period of 15 days from the date of the order. Subsequently, the 1st respondent / Joint Commissioner of Labour- II, Chennai vide his orders dated 05.07.2018, modified the Award passed on 13.03.2018, directing the Writ petitioner to pay only sum of Rs.3,84,122/- towards compensation. Aggrieved over the same, the Petitioner has filed the present writ petition.

3. Dr.P.Vasudevan, learned counsel for the petitioner contended that the 1st respondent / the Joint Commissioner of Labour II, Chennai had not considered the objections raised by the Writ petitioner while passing the orders on 13.03.2018 and 05.07.2018 especially when there is a dispute with regard to the employer and employee relationship.

4. Per contra, Ms.S.Sindhumathy, learned counsel appearing for the 1st respondent contended that the 1st respondent / Joint commissioner of Labour II had passed a detailed order after considering the objections raised by the Writ Petitioner and that there is no infirmity in the orders passed by the Labour Court.



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5. It is seen from the records that the Writ Petitioner has not paid the minimum wages to its employees who are working as security guards as per G.O(2D) No.45, dated 14.07.2000, G.O.(2D).No.38, dated 09.11.2005 and G.O.(2D) No.28, dated 19.06.2011. Therefore, a petition under the Minimum Wages Act, 1948 has been filed before the 1st respondent. The Writ Petitioner filed a counter in the said petition stating that the employees were not retrenched from service and that the petition has been filed with a delay of 3060 days .

6. The learned counsel for the 1st respondent contended that the delay in filing the petition was condoned by the concerned Authority and the Writ Petitioner has not paid the minimum wages to its employees as per the Government Orders in G.O(2D) No.45, dated 14.07.2000, G.O.(2D).No.38, dated 09.11.2005 and G.O.(2D) No.28, dated 19.06.2011. The 1st respondent / Joint Commissioner of Labour II, Chennai after considering the rival submissions, had held that the Writ Petitioner is paying salary less than the amount mentioned under the Minimum Wages Act and therefore they were directed to pay a sum of



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Rs.1,92,061/- towards minimum wages and a sum of Rs.1,92,061/- towards compensation for not paying the Minimum Wages. The Joint Commissioner of Labour, had passed a well considered order and I do not see any reason to interfere with the same. Accordingly, the Writ petition is dismissed. No costs. consequently, connected miscellaneous petition is closed.

11.10.2023

Index: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.

vum

To

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