



WEB COPY



W.P.No.23255 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.23255 of 2015

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...
/vs/

Petitioner

1. The Authority under the Payment of Wages,
Puducherry.

2. The Managing Director,
A.F.T.(PTC) Ltd.,
A Unit of Puducherry Textiles Corporation Ltd.,
Mudaliarpot,
Puducherry.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified challenging the order of the first respondent pertains to the impugned order passed in PWA No.6 of 2013 dated 26.09.2014 on the file of the Authority under Payment of Wages Act, 1936 and quash the same, consequently direct the second respondent pay the petitioner wage for the period from the month of January, 2012 to 12.04.2012,.



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For Petitioner	...	Mr.P.R.Thiruneelakandan
For R1	...	Mr.M.Nirmalkumar Government Advocate (Puducherry)
For R2	...	Mrs.S.Rathi

ORDER

The writ petition has been filed challenging the orders of the first respondent authority dated 26.09.2014 by holding that he has got no jurisdiction to interfere until the orders are passed in the disciplinary proceedings.

2. Mr.P.R.Thiruneelakandan, the learned counsel for the petitioner, submitted that when getting into merits of the matter, the first respondent authority has stood on the defense made by the second respondent and had chosen to close the matter stating that he did not have any jurisdiction.

3. It is learnt from the submission of the learned counsel for the second respondent that despite the petitioner has been appointed as security guard, he is said to have claimed the wages of a Security Supervisor. The first respondent authority has passed an order only with



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regard to the minimum wages for a particular period. While giving direction in consequent to the said findings, the authority could have passed conditional orders stating that it is subjected to the outcome of the disciplinary proceedings if any or any Industrial Disputes raised on the same. Since the award has been passed in the year 2014 and by this time even if any disciplinary proceedings are initiated against the petitioner by the second respondent Management, that would have been over. Hence, I feel, there cannot be any difficulty for the first respondent to get into the main issue and decide the matter by rendering a specific finding on merits.

4. Accordingly, this Writ Petition is disposed and the first respondent authority is directed to consider the main issue and decide the same by rendering a specific finding and pass orders on merits, within a period of four weeks from the date of receipt of a copy of this order. No costs.

26.09.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case: Yes / No
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R.N.MANJULA ,J.

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To:

1. The Authority under the Payment of Wages,
Puducherry.

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