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W.P No.33737 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **P.DHANABAL**

W.P.No.33737 of 2013
and MP.No.1 of 2013

M/s.Bharat Sanchar Nigam Limited,
(A Government of India Enterprise)
Rep. by its Senior General Manager,
Puducherry Telecom District
Rangapillai Street, Puducherry – 605 001.

.. Petitioner

Vs.

- 1.The Assistant Labour Commissioner (Central)
Ministry of Labour & Employment,
Government of India,
DA-2, BSNL Staff Quarters, Jayanagar,
Reddiyarpalayam Post,
Puducherry – 605 010.
2. BSNL Employees' Union, Puducherry
Represented by its Vice-President N.Kolanjiappan,
BSNL EU Union Office,
Rangapillai Street,
Puducherry – 605 001.
- 3.Tamil Nadu Telecom Contract Workers' Union
Represented by its Assistant General Secretary C.Kumar,
TNTCWU Union Office,
Olandaikeerapalayam Exchange,
Mudaliarpet, Puducherry – 605 004.



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4. M/s.Innovative Security Solutions

SHRISHTI represented by its Manager

No.3 – C/2, HMH Plaza,

56, G.N.Chetty Road, T.Nagar,

Chennai – 17.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari, calling for the records of the impugned order No.95/1/2013/PDY dated 4.9.2013 issued by the first respondent herein and quash the same.

For Petitioner : Mr.L.Swaminathan

For Respondents : No Appearance

ORDER

This Writ Petition has been filed by the petitioner to quash the impugned order No.95/1/2013/PDY dated 04.09.2013 issued by the first respondent herein. Wherein the 1st respondent issued proceedings dated 04.09.2013 that the Union representatives demanded payment of wages to the contract workmen taking into calculation of 30 days as it is being paid to contract workmen working in Cuddalore SSA as well as in some other SSAs, in Tamilnadu. Since Cuddalore SSA which is also under the control and administration of the petitioner where the contract workmen are getting 30 days wages, they have demanded the same to these



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contract workmen also as it was paid earlier i.e, 30 days wages for a month to avoid discrimination. Therefore, request to consider the same and necessary orders may be issued to effect the payment and settle the issue amicably.

2. The learned counsel appearing for the petitioner would submit that the matter has already been covered under the order of this Court dated 30.08.2011 in W.P.No.24552 of 2008, where the Hon'ble Single Judge of this Court held as follows:

21. In the present case, the authority has come to the conclusion taking into account various notifications, the rates fixed under the relevant rules, wage register, and the conditions of service. The authority also held that in case the contract workers are engaged for less than eight hours, the rates of wages may be paid on pro-rota basis and if the payment is to be made on monthly basis, the wages may be arrived at by multiplying the daily wages by 26 days. The authority further held that necessary clause may be incorporated in the contract agreement between the principal employer and the contractor. The said order of the first respondent, which was passed after discussing the matter at length and with reasons, in my considered opinion, cannot be found fault with. However, the authority has given the effect of the order from 1st January 2008."



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Therefore, the same order can be passed in this case also.

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2.1. The learned counsel for the petitioner further submitted that now the petitioner is not working in the contract workmen payment and that the contract period was already over, therefore, the petitioner has become infructuous.

3. There is no representation for the respondents.

4. Today, the case is posted under the caption “for dismissal”. Learned counsel appearing for the petitioner is present and there is no representation for the respondents. This Court heard the arguments on the petitioner's side.

5. This Court carefully perused the request letter of the first respondent, that since Cuddalore SSA which is also under the control and administration, where contract workmen are getting 30 days wages, the contract workmen working in Puducherry SSA has also demanded the same, for their contract workmen as it was paid earlier i.e., 30 days wages for a month and requested to consider the same. Moreover, even



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according to the petitioner now the 3rd respondent is not working in the contract workmen payment, therefore no question of considering the request of the union would arise. While so, it is for the writ petitioner, to pass appropriate orders based on the orders for the similarly placed persons, if any necessity arises.

6. With the above observation, this writ petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No.

Internet/Yes/No

drl

To

1.The Presiding Officer,
Labour Court,
Salem.



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P.DHANABAL.J.

drl

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