



W.P.No.19903 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.19903 of 2024

Utthukottai Vattara Amaipu Saaraa
Matrum Pothu Thozhilalar Sangam,
Rep. by its Vice-President,
Grahapravesa Nagar,
Periyapalaiyam,
Utthukottai,
Thiruvallur District 601 102.

... Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
Labour Welfare & Skill
Development Department,
Secretariat,
Chennai 600 009.
- 2.The Commissioner of Labour,
DMS Complex,
Anna Salai, Teynampet,
Chennai 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to issue forthwith the final notification revising and re-fixing the minimum rates of wages, i.e., basic pay and DA as per the rates notified in the preliminary



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notification dated 07.07.2022 in G.O.(D).No.343, Labour and Employment Department and based on the objections and suggestions made by the stakeholders, by taking into account the current costs of living index and the increase in the rate of dearness allowance for the period in between the preliminary notification and final notification by taking into account the current minimum wages notifications issued in the neighbouring/other States and by taking into account the national floor level minimum wages and the central minimum wages for other comparable scheduled employments, within a specified time limit.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mrs.M.Jayanthi, AGP for R1 & R2

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to issue forthwith the final notification revising and re-fixing the minimum rates of wages, i.e., basic pay and DA as per the rates notified in the preliminary notification dated 07.07.2022 in G.O.(D).No.343, Labour and Employment Department.

2. Heard Mr.V.Ajoy Khose, learned counsel for the petitioner, Mrs.M.Jayanthi, learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The petitioner is an Union registered under the Trade Unions



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Act, 1926. The petitioner Union represents the cause and welfare of the workmen / employees who are working in various shops, commercial establishments, factories and other Industries in Uthukkottai Taluk, Thiruvallur District. According to the petitioner, the Government of Tamil Nadu by G.O.Ms.No.201, Labour and Employment dated 25.03.1974 included the employment in Printing Presses, Shops and Commercial Establishments and Cinemas as scheduled employments and the Government has fixed and notified the minimum rates of wages for the employees who are employed in Shops and Commercial Establishments in Tamil Nadu.

4. Mr.V.Ajoy Khose, learned counsel for the petitioner submitted that the first respondent issued a preliminary notification *vide* G.O.(D) No.343, dated 07.07.2022 revising the minimum rates of basic wages in employments in shops and commercial establishments. However, till date, the first respondent has not issued a final notification confirming the revision made in preliminary notification. The maximum time interval for fixing such minimum rates of wages in five years. Because of the inaction



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on the part of the first respondent, the employees in the above scheduled employment have been made to suffer loss for the past two years without being paid at the revised rates of basic pay and dearness allowance. Therefore, the petitioner Union sent a representation on 02.03.2024, to the first respondent regarding issuance of final notification implementing revision of minimum rates of basic wages for employment in shops and commercial establishments. But the same has not been considered so far by the first respondent and no orders were passed in this regard.

5. Mrs.M.Jayanthi, learned Additional Government Pleader appearing for the respondents submitted that the petitioner's representation dated 02.03.2024 will be considered and order will be passed within a short period of time.

6. In view of the above submission, this Writ Petition is disposed and the first respondent is directed to consider the representation of the petitioner dated 02.03.2024 and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy



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of this order. No costs.

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Index : Yes /No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

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Development Department,
Secretariat,
Chennai 600 009.

2.The Commissioner of Labour,
DMS Complex,
Anna Salai, Teynampet,
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R.N.MANJULA, J.

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