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W.P.No.23422 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.23422 of 2024
and W.M.P.Nos.25588 of 2024

Tempel Employees Welfare Union,
Registration No.496/TVR
Represented by its Secretary,
C.Sankar,
No.3/24, Anna Street, Gudapakkam,
Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.

... Petitioner

Vs.

1. The Joint Commissioner of Labour,
(Authority under the Minimum Wages Act, 1948)
Department of Labour and Employment,
DMS Campus, Anna Salai,
Teynampet, Chennai – 600 006.
2. The Management,
M/s.Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gudapakkam Village,
Puduchatram Post,
Poonamallee Taluk,
Tiruvallur District – 600 124.
3. Chennai Exports Processing Zone,
Employees and General Workers Union,
Represented by its President Mr.E.Ponmudi,
No.15, Kanna Street, Kadapperi,
Tambaram, Chennai – 600 045.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first respondent to consider the representation dated 01.11.2023 made by the petitioner Trade Union and recover the amounts of minimum wages payable to the members of the petitioner Trade Union under the Award dated 11.05.2015 passed in the Minimum Wages Case No.30/2012 passed by the first respondent as modified under Clause 21(4) of the aforesaid settlement dated 29.10.2018 entered into between the second and third respondents in the presence of the Conciliation Officer under Section 12(3) of the Industrial Disputes Act, 1947 and ensure the payment of the same to the members of the petitioner Trade Union.

For Petitioner : Mr.N.Arul Prasath

For Respondent : Ms.M.Jayanthi
Additional Govt. Pleader for R1
Mr.R.Jayaprakash for R2
No appearance for R3

ORDER

Heard Mr.N.Arul Prasath, the learned counsel for the Petitioner, Ms.M.Jayanthi, the learned Additional Govt. Pleader for R1 and Mr.R.Jayaprakash, the learned counsel for R2.



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2. The petitioner has filed this Writ Petition seeking direction to the first respondent to consider the representation of the petitioner dated 01.11.2023 to recover the amounts of minimum wages payable to the members of the petitioner Union under the award dated 11.05.2015 made in Minimum Wages Case No.30/2012 passed by the first respondent and later modified under Clause 21(4) of the settlement deed dated 29.10.2018 entered into between the second and third respondents under Section 12(3) of the Industrial Disputes Act, 1947.

3. In a dispute as to the payment of wages raised by the third respondent Union on behalf of its members against the second respondent Management before the first respondent, an order has been passed on 11.05.2015 and the same was challenged by the second respondent Management by way of filing a writ petition in W.P.No.27278/2015. During the pendency of the same, 12(3) settlement has been entered into between the third respondent Union and the second respondent Management on 29.10.2018. Even though the larger issue has been settled between the second respondent Management and the third respondent Union, the petitioner got a grievance that the third respondent Union having received the settlement due to them on their behalf, did not choose to disburse it to the



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members of the petitioner union. So the petitioner's Union has given a representation to the first respondent to initiate appropriate action against the third respondent to recover the settlement due to the members of the petitioner Union and disburse the same.

4. The matter lies in a very narrow campus. There is no quarrel with regard to the settlement arrived between the second respondent Management and the then Union which represented the interest of the petitioners. The petitioner seems to have got a grievance only because the benefits did not reach their hands though it is alleged that the third respondent Union has received the settlement from the second respondent Management. Despite notice has been served on the third respondent, there is no representation on its behalf.

5. When 12(3) settlement is actually entered into between the Labour Union and Management only for the benefit of the workmen, in the event of receiving the monetary benefits in view of the above settlement, the third respondent Union ought to have disbursed the same to the respective members. Since the petitioners have not received their respective settlement in terms of 12(3) settlement even though the third respondent is said to have



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received the same from the second respondent and the representation given in this regard has also not been considered, I feel appropriate direction should be given to the first respondent.

6. In view of the above stated reasons, this Writ Petition is disposed by directing the first respondent to initiate appropriate action to recover the settlement, if any, received by the third respondent on behalf of the members of the petitioner Union in pursuant to the earlier 12(3) settlement and disburse the same in favour of the members of the petitioner, as expeditiously as possible. No costs. Connected miscellaneous petition is closed.

27.08.2024

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To:

1. The Joint Commissioner of Labour,
(Authority under the Minimum Wages Act, 1948)
Department of Labour and Employment,
DMS Campus, Anna Salai,
Teynampet, Chennai – 600 006

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