



W.P.No.24995 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Orders reserved on : 18.12.2024

Orders pronounced on : **28.01.2025**

CORAM :

THE HON'BLE MR.JUSTICE D. BHARATHA CHAKRAVARTHY

W.P.No.24995 of 2010
and M.P.No.1 of 2010

M/s.Palaniandavar Cotton and Synthetics
Spinners Pvt. Ltd.,
Rep. by its Deputy General Manager,
E.Ayyappan

.. Petitioner

Versus

1. The Inspector of Factories,
Pollachi.
2. Tribunal under Minimum Wages Act/
Deputy Commissioner of Labour,
Coimbatore.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records from the file of the 2nd respondent in Ku.Pa.U.Sa.No:230 of 2009, dated 24.08.2010 and quash the same.



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For Petitioner : Mr.S.Kasirajan

For Respondents : Mr.K.Surendran,
Additional Government Pleader,
for R1

: R2 - Labour Court

ORDER

This Writ Petition challenges the order of the second respondent namely, the Deputy Commissioner of Labour/Tribunal under the Minimum Wages Act, dated 24.08.2010.

2. The brief facts leading to the filing of the Writ Petition are that the first respondent namely, the Inspector of Factories, Pollachi who is also the Inspector under the Minimum Wages Act inspected the premises and found that for four months, as detailed in the order, 67 workmen were granted wages less than the minimum wages. The minimum wages, to which they are entitled as per the rate fixed by the Government and the wages paid, is given and the balance sum, to be paid to each employee, is given. The



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management had paid an amount lesser by Rs.2,53,908.30 ps. Accordingly, finding that the claim made through the first respondent, the Labour Officer, was correct, the Tribunal awarded the sum of Rs.2,53,908.30 ps, the minimum wages to be paid. Also, it imposed another sum of Rs.2,53,908.30 ps as compensation. Aggrieved by the same, this Writ Petition is filed.

3. *Mr.S.Kasirajan*, learned Counsel for the petitioner would submit that in this case, as directed in the interim order, the difference in the minimum wages i.e., a sum of Rs.2,53,909/- has been deposited with the respondents on 03.12.2010. He would submit that the petitioner was a spinning mill. It was closed permanently in the year 2015. All the machineries were sold. The fact of closure is also reported to the Deputy Director, Industries on 12.11.2015. The dues of all the workmen were already settled and the workmen had entered into a settlement under Section 18(1) of the Industrial Disputes Act and nothing remains further. Under the circumstances, the learned Counsel would submit that this Court should



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consider the issue that when the workmen settled the matter with the management, the present complaint is only on the claim made by the Inspector of Labour. Therefore, he would submit that the impugned order has to be interfered with.

4. The closure is only subsequent. The same will not in any manner entitle the petitioner management to pay less than the minimum wages. Even if the workmen have not complained, Section 20 of the Minimum Wages Act specifically empowers entertaining the Claim Petition on receipt of a report from the Inspectors also only for the said purpose. Therefore, the impugned order cannot be interfered with for that reason. This Court only considers the fact that when everything had come to an end regarding the petitioner and when the petitioner deposited the difference in wages being Rs.2,53,909/-, at this stage, to direct the petitioner to deposit the compensation amount will be unduly harsh considering the peculiar circumstances of the instant case. In view thereof, limited relief can be



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granted to the petitioner regarding the compensation alone.

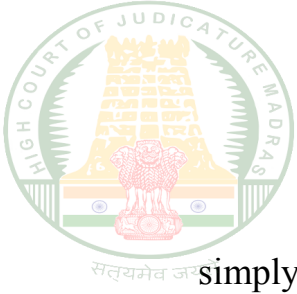
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5. Accordingly, this Writ Petition is disposed of on the following terms:-

(i) The impugned order of the second respondent in Ku.Pa.U.Sa.No:230 of 2009, dated 24.08.2010 is upheld in as much as it directs the petitioner to deposit the difference in wages being Rs.2,53,908.30 ps and set aside in as much as it directs deposit of another sum of Rs.2,53,908.30 ps as compensation;

(ii) Pursuant to the impugned order, the sum of Rs.2,53,908.30 ps is deposited with the respondents and the said sum shall accordingly be disbursed through the first respondent to the respective workmen along with accrued interest, if any;

(iii) If any workman has passed away, the amount can be disbursed in the name of their spouse and in the absence of the spouse, to any other class-I legal heir of the workman. For that purpose, the first respondent can



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सत्यमेव जयते simply verify the relevant facts and proceed to disburse in the name of the legal heir. No further petition or order is required for the said matter. The exercise shall be completed within three months from the date of receipt of a web copy of this Order without waiting for a certified copy of this order;

(iv) There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

28.01.2025

Neutral Citation : no
grs

To

1. The Inspector of Factories,
Pollachi.
2. The Deputy Commissioner of Labour,
Tribunal under Minimum Wages Act,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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