



WEB COPY

WP No. 25959 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-02-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 25959 of 2012

and

M.P.No.1 of 2012

1. Sri.Indrait Gupta, Regional
Manager, M/s.Gas Secure Solutions
(india) Pvt. Ltd. Plot No.56, Door
No.14, Jawahar Nagar, 3rd Cross
Ellaipillai Chavadi, Boominapet,
Pondicherry

Petitioner(s)

Vs

1. Govt., Of India, Rep. By Minis
Of Labour And Employment, Shastri
Bhavan, Haddows Road, Chennai-6

2.Regional Labour Commissioner
(central) Chennai And Authority
Under The Minimum Wages Act 1948,
O/o. The Deputy Chief Labour
Commissioner (c) Shastri Bhavan,
Chennai-6

3.Office Of The Labour
Enforcement Officer (central) No.7,



(old No.178 And 180) Opp.
J.K.Tower, 100 Feet Road, Mohan
Nagar Main Road, Puducherry

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4.Department Of Revenue And
Disaster Management, Govt., Of
Puducherry Rep. By The District
Collector, Puducherry

5.The Deputy Collector
(revenue-north) Puducherry

6.The Tahsildar
Taluk Office, Oulgaret, Puducherry

Respondent(s)

PRAYER

calling for the records of the 2nd respondent relating to the order passed in claim petition No.67/2010 on 30.6.2011 and corrigendum dated 9.8.2011 and consequential order passed by the 3rd respondent on 5.2.2012 in No.26(81)/2010/PDY and quash the same and consequently direct the 2nd respondent to re-hear the claim petition No.67 of 2010

For Petitioner(s): M/s.P.V.Rajeswari

For Respondent(s): M/s. C. Samivel For R1 to R3
Mr. V. Vasanthakumar AGP
[Puducherry] For RR4 to 6

ORDER

This writ petition has been filed seeking to quash the order passed in claim petition No.67 of 2010 on 30.6.2011 and corrigendum dated 9.8.2011 and



consequential order passed by the third respondent dated 5.2.2012 in

No.26(81)/2010/PDY and to consequently direct the second respondent to re-

hear the claim petition No.67 of 2010.

2. It is the case of the petitioner that the petitioner is the Regional Manager of M/s.G4S, Secure Solutions (India) Private Ltd. The said company has been providing security services on contract basis to various private and Government Organization under valid service agreements. It is seen that the petitioner was issued with a notice by the second respondent for committing default in payment of wages to 3 employees as fixed by the Government with reference to the claim application in claim application No.67 of 2010 filed under Section 20(2) of the Minimum Wages Act, 1948. Wherein the second respondent vide *ex-parte* order dated 30.06.2011 directed the petitioner to pay the difference of wages along with compensation of Rs.2,91,123/- by way of demand draft to the concerned employees. Subsequently, a corrigendum dated 09.08.2011 was forwarded by the second respondent. Since the aforesaid order passed by the second respondent was not complied with, the third respondent



issued communication dated 05.02.2012 to the fifth respondent to recover the claim amount and compensation awarded by the second respondent.

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Challenging the aforesaid orders, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that though the present writ petitioner has been filed seeking to set aside the impugned orders, however, the petitioner is ready to deposit the difference of wages along with the compensation before the second respondent. Hence, this Court may set aside and remand the the impugned orders to the second respondent on condition to deposit Rs.2,91,123/- and after receipt of the same, the second respondent may be directed to dispose of the same on merits and in accordance with law, within a time frame that may be stipulated by this Court.

4. Heard the learned counsel appearing on either side and perused the materials placed on record.

5. On a perusal of the impugned orders dated 30.06.2011, 09.08.2011 and



05.02.2012 passed by the second and fifth respondents reveals that without

giving any opportunity to the petitioner the order came to be passed, which is clear violation of principles of natural justice. In view of the fair submission made by the learned counsel for the petitioner that the petitioner is ready to deposit the difference of wages along with the compensation, the impugned orders dated 30.06.2011, 09.08.2011 and 05.02.2012 passed by the second and fifth respondents respectively are set aside and the matter is remanded to the second respondent for fresh adjudication subject to the condition that the petitioner is directed to pay a sum of Rs.2,91,123/- before the second respondent within a period of six (6) weeks from the date of receipt of a copy of this order. Upon receipt of such payment, the second respondent shall hear the parties and pass appropriate orders on merits within a period of four (4) weeks thereafter.

6. Accordingly, this writ petition is allowed in above terms. No costs.

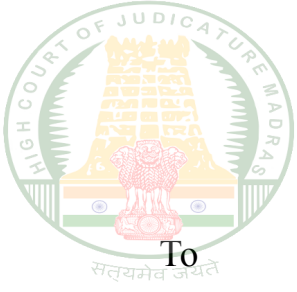
Consequently, connected miscellaneous petition is closed.

07-02-2025

RAP

Index: Yes/No

Neutral Citation: Yes/No



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