



W.P.No.6402 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.6402 of 2015

and

MP.No.1 of 2015 & WMP.No.11029 of 2016

All Cargo Terminals Ltd.,
Through the Managing Director,
193, Thiruvottiyur High Road, Ernavoor,
Chennai – 600 057.

...Petitioner

(Petitioner cause title amended as per order dated 20.06.2024 made in
WMP.No.17984 of 2024 in W.P.No.6402 of 2015.)

Vs.

1. Chennai Yettrumathi Valaga Uzhiyargal
Matrum Pothu Thozilalar Sangham,
15, Kannan Street, Kadaperi,
Tambaram, Chennai – 600 057.

2. Deputy Commissioner of Labour II,
The Authority under the Minimum Wages Act, 1948,
DMS Compound, Chennai – 600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari, to call for the records connected with M.W.
I.A.No.13/13 and quash the order dated 09.02.2015 made therein by the 2nd



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respondent, Deputy Commissioner of Labour II, The Authority under the Minimum Wages Act, 1948, DMS Compound, Chennai – 600 006.

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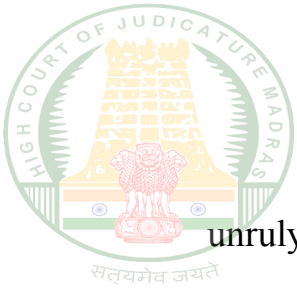
For Petitioner : M/s.Pushpa Menon

For Respondents : Mr.V.Ajoy Khose, for R1
Mr.K.Surendran, AGP, for R2

ORDER

This Writ petition has been filed seeking quashment of the order of the 2nd respondent dated 09.02.2015 made in M.W.I.A.No.13 of 2013.

2. It is the case of the petitioner that it is the principal employer of the 1st respondent's alleged members, as they have been employed by the petitioner through various contractors, who have been sending employees to the petitioner establishment depending upon the work contingencies off and on for the last few years for performing duties in the categories set out in the respective license, after complying with the requirements of the Contract Labour Act. Whiles, as the petitioner did not accede to the demand made by the workmen, who claim to be the members of the 1st respondent seeking absorption in the services of the petitioner, they went on strike and abruptly struck work with effect from 24.12.2013 and they also engaged in several



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unruly and violent activities against the officers of the petitioner establishment. On the other hand, on behalf of the said workmen, the 1st respondent filed a claim petition under the Minimum Wages Act before the 2nd respondent, seeking payment of differential minimum wages along with a petition seeking to condone the delay of 1890 days. The 2nd respondent, vide order dated 09.02.2015, condoned the delay and taken the main claim petition on file as M.W.No.2 of 2015. Challenging the same, the petitioner has come up with this Writ petition.

3. Learned counsel for the petitioner submitted that, as per Section 20(2) of the Minimum Wages Act, *when an employee has any claim of the nature referred to in sub-section (1) of Section 20, the employee shall make an application within a period of six months from the date on which the minimum wages became payable.* However, in the present case, the claim petition has been filed with huge delay of 1890 days and the 2nd respondent had mechanically allowed the same, which cannot be acceded to and the reason stated by the 1st respondent union for the said delay of 1890 days that the workmen were not aware of the minimum wages at the relevant point of time is also not acceptable. Accordingly, he prayed for appropriate orders.

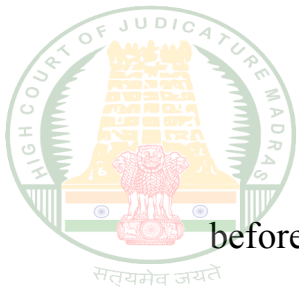


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5. On the above said contentions, heard learned Additional Government Pleader appearing on behalf of the 2nd respondent and perused the materials available on record.

6. In view of the limited request made by the learned counsel for the 1st respondent, which was also not objected by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, grants liberty to the 1st respondent to withdraw the claim petition filed



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before the 2nd respondent. Further, the 1st respondent is at liberty to workout the remedy in the manner known to law either under Section 33(C)2 of the Industrial Disputes Act or under any other Act, if law permits.

7. In view of the above, the impugned order of the 2nd respondent dated 09.02.2015 made in M.W.I.A.No.13 of 2013 does not subsist and accordingly, the same is set aside.

8. With the above observations and directions, this Writ petition stands allowed. No costs. Consequently, the connected Miscellaneous petitions are closed.

26.03.2025

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To:

Deputy Commissioner of Labour II,
The Authority under the Minimum Wages Act, 1948,
DMS Compound, Chennai – 600 006.

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M.DHANDAPANI, J.

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