



W.P.No.12976 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.12976 of 2025

D.S.Titus

... Petitioner

Vs.

1. Assistant Commissioner of Labour – 1,
Authority under the Minimum Wages Act,
D.M.S. Compound,
Teynampet, Chennai – 18.

2. Muthoot Finance Private Limited,
No.14/1, Vanniyar Street,
West Saidapet,
Chennai – 600 015.

3. Alert Security and Deductive Bureau,
No.2/243, Pattinathamman Koil Street,
Kelambakkam – 603 103.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order dated 15.05.2024 passed in I.A.No.01 of 2024 in M.W.06 of 2022 passed by the 1st respondent, quash the same and consequently, direct the 1st respondent to take up the case in M.W.No.06 of 2022 and decide the same on merits and in accordance with law.

For Petitioner : Mr.D.Muthukumar
for M/s.Paul and Paul

For Respondents : Mr.K.Surendran



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W.P.No.12976 of 2025

Additional Government Pleader [R1]

ORDER

Aggrieved by the order passed by the 1st respondent, the present Writ Petition has been filed by the petitioner.

2. Since no adverse order has been passed against the respondents 2 and 3, notice to the respondents 2 and 3 is dispensed with.

3. Mr.K.Surendran, learned Additional Government Pleader, accepts notice on behalf of the 1st respondent. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The case of the petitioner is that he had filed a petition in M.W.No.6 of 2022 before the 1st respondent against the respondents 1 and 2 claiming Rs.3,27,533/- as difference of minimum wages for the different period between 16.08.2012 and 02.11.2018. However, the said petition was dismissed for non-prosecution vide order dated 04.10.2023, thereby, to set aside the said order, the petitioner has filed an



W.P.No.12976 of 2025

interlocutory application in I.A.No.1 of 2024 in M.W.No.6 of 2022 before the 1st respondent and the same was rejected on the ground of non-appearance of the petitioner vide impugned order dated 15.05.2025. Challenging the same, the petitioner has filed this writ petition before this Court.

5. Learned counsel for the petitioner submitted that the petitioner has mentioned clearly about the change of address in the I.A., even then the notice in the said I.A was not sent to the old address, which was already vacated by the petitioner and therefore, the covers were returned with an endorsement that the "Person Left". Even then the authority had proceeded further as if the notice was served on the petitioner and dismissed the I.A. on the ground of non-prosecution. The said impugned order passed by the the impugned order is not sustainable in law as no notice was served on the petitioner in I.A.No.1 of 2024 and therefore, the impugned order is liable to be set aside.

6. On the above said contentions, heard the learned Additional Government Pleader appearing for the 1st respondent.



W.P.No.12976 of 2025

WEB COPY

7. Admittedly, on the date of filing of petition under the Minimum Wages Act, the petitioner is not an employee of the respondents 2 and 3. Though the petitioner was dismissed in the year 2018, without challenging the order of dismissal, he filed the minimum wages petition in the year 2022 only and the said petition was rejected on the ground of non-appearance of the petitioner. Thereafter, in order to set aside the said order, he filed an interlocutory application, which was also dismissed for non-appearance of the petitioner, even though he was given several opportunities to putforth his case before the authority and the same cannot be said to be illegal, perverse or arbitrary. Hence, this Court is not inclined to interfere with the same and this Writ Petition is liable to be dismissed.

8. Accordingly, this writ petition is dismissed. No costs.

15.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp



W.P.No.12976 of 2025

To
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The Assistant Commissioner of Labour – 1,
Authority under the Minimum Wages Act,
D.M.S. Compound,
Teynampet, Chennai – 18.



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W.P.No.12976 of 2025

M.DHANDAPANI, J.

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W.P.No.12976 of 2025

15.04.2025