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W.P.No.17678 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :19.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.17678 of 2025

and

W.M.P Nos. 19961 and 19962 of 2025

1. Ganesh S.
Emp.No.: 10151
M/s Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gundapakkam Village,
Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.
2. A. Kuzhanthai Velu
Emp.No.: 10040
M/s Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gundapakkam Village,
Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.
3. G. Rajasekaran
Emp.No.: 10045
M/s Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gundapakkam Village,
Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.
4. Musulaiah Yalavarthi
Emp.No.: 10057
M/s Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gundapakkam Village,

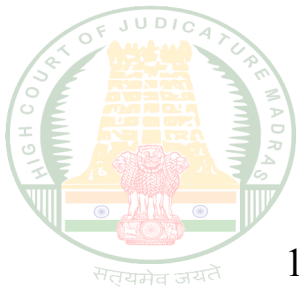


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Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.

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5. Udhaya Banu K.
Emp.No.: 10072
M/s Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gundapakkam Village,
Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.
6. P. Dhanasekaran
Emp.No.: 10081
M/s Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gundapakkam Village,
Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.
7. Jinathathan V
Emp.No.: 10084
M/s Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gundapakkam Village,
Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.
8. M. Kumar
Emp.No.: 10095
M/s Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gundapakkam Village,
Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.
9. R. Malaisamy
Emp.No.: 10103
M/s Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gundapakkam Village,
Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.



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10.J. Nainar Mohammed

Emp.No.: 10020

M/s Tempel Precision Metal Products India Pvt. Ltd.,
No.7, Gundapakkam Village,
Puduchatram Post, Poonamallee Taluk,
Tiruvallur District – 600 124.

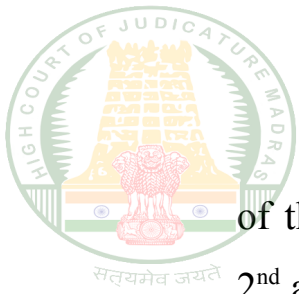
... Petitioners

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, Gundapakkam Village,
Puduchatram Post
Poonamallee Taluk,
Tiruvalluvar District – 600 124.
3. Chennai Exports Processing Zone,
Employees and General Workers Union,
Represented by its President, Mr.E.Ponmudi,
No.15, Kannan Street, Kadapperi,
Tambaram, Chennai – 600 045.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent to consider the representation, dated 10.03.2025 made by the petitioners and recover the amounts of minimum wages payable to the petitioners under the Award dated 11.05.2015, passed in the Minimum Wages Case No.30/2012 passed by the 1st respondent as modified under Clause 21(4)



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of the aforesaid Settlement dated 29.10.2018, entered into between the 2nd and 3rd 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 petitioners.

For Petitioner : Mr.N.Arul Prasath

For Respondents – 1 : Mr. M. Murali
Government Advocate

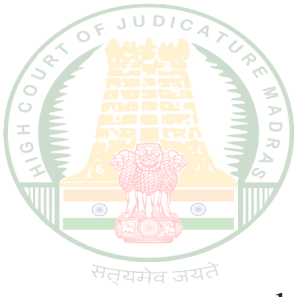
For Respondent-2 : Mr.R.Jayaprakash

For Respondent – 3 : Not ready in notice

ORDER

This Writ Petition has been filed for the following relief:

“To issue a Writ of Mandamus, directing the 1st respondent to consider the representation, dated 10.03.2025 made by the petitioners and recover the amount of minimum wages payable to the petitioners under the Award dated 11.05.2015, passed in Minimum Wages Case No. 30/2012 passed by the 1st respondent as modified under Clause 21(4) of the Settlement dated 29.10.2018, entered into between the 2nd and 3rd 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 petitioners.”



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2. The petitioners would submit that the 3rd respondent was the only Trade Union functioning in the Factory of the 2nd respondent-Management. During the period between July 2006 and June 2010, the petitioners were not paid the minimum wages as notified under the Minimum Wages Act, 1948. Therefore, the 3rd respondent-Union had filed a claim petition under Section 20(2) of the Minimum Wages Act, 1948 before the 1st respondent, Joint Commissioner of Labour, who is the Statutory Authority under the Minimum Wages Act, 1948 on behalf of 44 workmen employed by the 2nd respondent-Management.

3. The above claim was taken up in Minimum Wages Act Case No.30 of 2012. By order dated 11.05.2015, the 1st respondent held that the 44 workmen had not been paid the minimum wages as notified under the Minimum Wages Act, 1948 and a sum of Rs.79,23,066.25 was awarded towards the total minimum charge payable with compensation.

4. Against the above Award dated 11.05.2015, the 2nd respondent-



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Management had filed W.P.No.27278 of 2015 before this Court.

Pending the Writ Petition, the petitioners had been promoted as Supervisors and were thereafter no longer workmen under Section 2(s) of the Industrial Disputes Act. The 2nd respondent-Management entered into a Long Term Settlement with the 3rd respondent-Union in respect of the work load cum wage under Section 12(3) of the Industrial Disputes Act, 1947 before the Deputy Commissioner of Labour (Conciliation), Chennai on 29.10.2018. Under Clause 21(4) of this Settlement, it was agreed between the respondents 2 and 3 that the payment would be made to the 44 workmen covered under the Award dated 11.05.2015 passed in Minimum Wage Case No.30 of 2012. Pursuant to this, the 3rd respondent-Union had received a sum of Rs.18,00,696.75 from the 2nd respondent-Management. The 2nd respondent had also prayed that this Court in W.P.No.27278 of 2015, pass orders based on the 12(3) settlement. By order dated 13.02.2019, the said Writ Petition was also closed on the basis of this settlement.

5. It is the case of the petitioners that the 3rd respondent, having



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received the amount payable to the petitioners as early as in October 2018, has not disbursed the same to the workmen despite several representations made by them. Some of the workers had approached this Court by filing W.P.No.23422 of 2024 for recovery of the said amount and this Court had also directed the 1st respondent to initiate appropriate action to recover the same. The petitioners herein had therefore made a representation on 27.08.2024 requesting the 1st respondent to extend the benefits that was granted in W.P.No.23422 of 2024 and recover the money. However, the representation has gone into cold storage. Therefore, the petitioners have come forward with this writ petition.

6. Heard the learned counsel on both sides and perused the materials available on record.

7. From a perusal of the documents filed before this Court, it is seen that the 3rd respondent-Trade Union, representing the petitioners, received the money which is payable to the petitioners and has not cared to disburse the same. The 3rd respondent has no right to retain the said



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amount, having espoused the cause of the petitioners and other members of the Union In W.P.No.23422 of 2024, this Court had directed the 1st respondent to initiate appropriate action to recover the settlement amount arrived at pursuant to the Section 12(3) Settlement and disburse the same to the petitioners. The petitioners herein are also similarly placed. Therefore, this Writ Petition is allowed as prayed for. The 1st respondent is directed to recover the money from the 3rd respondent and disburse the same to the petitioners on or before 04.08.2025. No costs. Consequently, connected miscellaneous petition is closed.

8. Post the matter on 04.08.2025 under the caption “for reporting compliance”.

19.06.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

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.

P.T.ASHA, J.,



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and
W.M.P No. 19961 of 2025

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