



W.P.(MD) No.1436 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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- 1.S.Chellathurai
- 2.Y.Gilbert Thangaraj
- 3.M.Sermakani
- 4.Paramasivan K.
- 5.M.Ashok
- 6.K.Selvam
- 7.P.Marimallusamy
- 8.A.Radhakrishnan
- 9.S.Kasi
- 10.S.Rajasekaran
- 11.S.Peter Vijayakumar
- 12.S.Murugavel
- 13.D.Thirumani
- 14.R.Jayakumar



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- 15.M.Ponraj
- 16.R.Narayanaperumal
- 17.K.Kandasamy
- 18.P.Marimuthu
- 19.S.Gopalakrishnan
- 20.R.Udayakumar
- 21.P.Michel Thomas Xavier
- 22.M.Aloysious
- 23.M.Gideon
- 24.K.Perumal
- 25.R.Saravanakumar
- 26.K.Jeyaprakash
- 27.J.A.Selvakumar
- 28.A.Muthusamy
- 29.P.Ashok Kumar
- 30.C.Vallimayil
- 31.M.Mariappan
- 32.U.Kombaiah
- 33.S.Sesuraj



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WEB COPY 34.N.Ramasubbu

35.D.Antony Rayappan

36.Y.Savarimuthu

37.S.Vella Durai

38.R.A.Marimuthu

... Petitioners

-vs-

The Management
Hari & Co.,
4/29 E, Madurai Bye Pass Road
Tuticorin-628 006
Tuticorin District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to impugned award of dismissal of petitioners' claim petitions in C.P.Nos.24 of 2016, 25 of 2016, 32 of 2016, 34 of 2016, 41 of 2016, 44 of 2016, 45 of 2016, 46 of 2016, 48 of 2016, 49 of 2016, 50 of 2016, 51 of 2016, 52 of 2016, 53 of 2016, 60 of 2016, 61 of 2016, 63 of 2016, 66 of 2016, 70 of 2016, 71 of 2016, 73 of 2016, 75 of 2016, 76 of 2016, 77 of 2016, 78 of 2016, 79 of 2016, 81 of 2016, 82 of 2016, 87 of 2016, 89 of 2016, 90 of 2016, 91 of 2016, 93 of 2016, 94 of 2016, 95 of 2016, 97 of 2016, 117 of 2016 and 118 of 2016, on the file of the Labour Court, Tirunelveli, dated 23.03.2018 and quash the same as illegal and



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consequently direct the respondents to pay the different amounts / arrears of salary as per Minimum Wages Act.

For Petitioners : Mr.D.Saravanan

For Respondent : Mr.R.Parthiban

ORDER

This writ petition has been filed by the petitioners aggrieved by a common order dated 23.03.2018, passed in a batch of claim petitions, by the learned Labour Court, Tirunelveli, rejecting the claims made by them for payment of minimum wages.

2. A perusal of the impugned order discloses that the learned Labour Court, considering the admission made by P.W.1 stating that the petitioners have been receiving the wages more than the minimum wages prescribed under the Minimum Wages Act, 1948 (in short, “the Act, 1948”), came to the conclusion that the claims made by the petitioners herein in their claim petitions cannot be entertained.



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3. The impugned order is passed based on the admission made by the witness examined in support of the claims made by the petitioners and in the absence of any material placed before this Court to contradict the same, this Court does not see any reason to interfere with the impugned order passed by the learned Labour Court. Once the petitioners are receiving wages more than the minimum wages within the meaning of Clause (h) of Section 2 of the Act, 1948, the question of granting any relief in the claim petitions filed by them does not arise.

4. Though it is sought to be contended by the learned counsel for the petitioners that the batta that is paid to the petitioners, who worked as drivers, cannot be included in the wages, as the same is excluded under Sub-clause (iv) to Clause (h) of Section 2 of the Act, 1948, this Court is unable to agree with the said contention for the simple reason that there is nothing on record to show that the amounts that are paid to the petitioners, which are admittedly over and above the wages prescribed under the Act, 1948, because of the batta that is being paid. Whether the batta that is being paid would really fall under Sub-clause (iv) to Clause (h) of Section 2 of the Act, 1948, or not also cannot be decided in a writ petition, as there is no pleading to that effect nor any material is placed either before this Court or before the learned



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Labour Court. In the circumstances, this Court does not see any reason to interfere with the impugned order passed by the learned Labour Court.

5. Be that as it may, all the petitioners herein have filed the claim petitions, under Section 33C(2) of the Industrial Disputes Act, 1947, without there being any prior adjudication of their rights. Without there being a crystallized right, the question of filing a claim petition under Section 33C(2) of the Industrial Disputes Act, 1947, does not arise in the light of the settled legal position.

6. Accordingly, this writ petition is dismissed. However, it is left open to the petitioners to raise appropriate dispute claiming any right for payment of minimum wages in accordance with law.

7. After passing the above order, learned counsel for the petitioners expressed an apprehension that this order may have an impact on the pending industrial disputes, wherein the orders of termination of the petitioners are the subject matter.



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8. In the light of the above, this Court makes it clear that the said industrial disputes said to have been filed by the petitioners aggrieved by the orders of termination shall be disposed of on their own merits without being influenced by the orders passed in this writ petition.

9. There shall be no order as to costs.

27.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:
The Presiding Officer,
Labour Court,
Tirunelveli.



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MUMMINENI SUDHEER KUMAR, J.

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