

In the High Court of Judicature at Madras

Friday the nineteenth day of June.

One thousand nine hundred and eighty seven.

Present:

The Hon'ble Mr. Justice Mohan.

Writ Misc. Petition Nos. 1706 to 1710 of 1987
in W.P.No.1134 of 1987

Tamil Nadu Manila Mattida Thozhilalar
Sangam Reg. No.1323/MDS, reptd
by General Secretary,
No.14, Mandapam Cross Street,
Kilpauk, Madras-600 010

...Petitioner in
all the petitions

(Petr in W.P.No.1134/87 on the
file of the High Court,
Madras)

vs

1. The State of Tamil Nadu
reptd by its Secretary
Public Works Department,
Fort St. George,
Madras-600 009.
2. The Commissioner of Labour II,
Madras,
Teynampet, Madras-600 0018.
3. The Asst. Commissioner of
Labour Office of the Deputy
Commissioner of Labour Salem.
4. The Deputy Commissioner of Labour
(Inspection) Madras.
5. The Deputy Inspector of Labour
(Minimum Wages,) Madras.
6. The Executive Engineer,
Karia Koil Project Reservoir,
Pappanaickenpatti P.O.
Athur Taluk Salem District.
7. Sheik Ahamed, Contractor,
Karia Koil Project Reservoir,
Pappanaickenpatti P.O.
Athur Taluk, Salem District.
8. S.R. Arumugam Contractor
Karia Koil Project Reservoir,
Pappanaickenpatti P.O.
Athur Taluk, Salem District.

9. Ayodhya Raman, Contractor,
Karia Koil Project Reservoir,
Pappanaickenpatti P.O.
Athur Taluk, Salem District.

10. V.V. Venkatachalam
Contractor,
Karaikoil Project Reservoir,
Pappanaickenpatti P.O.
Athur Taluk, Salem District.

11. ~~Shermugam Contractor,~~
~~Karia Koil Project Reservoir,~~
~~Pappanaickenpatti P.O.,~~
~~Athur Taluk, Salem District.~~

11. K.M. Palaniswamy Contractor
Karia Koil Project Reservoir,
Pappanaickenpatti P.O.,
Athur Taluk, Salem Dt.

12. Jhanmugam, Contractor
Karia Koil Project Reservoir,
Pappanaickenpatti P.O.
Athur Taluk, Salem District ... Respondents in
all the petitions (Respts in-do-)

Petitions plying that in the circumstances
stated therein and in the affidavit filed with W.P.No.
1134 of 1987 on the file of the High Court, the High
Court will be pleased to (1) appoint a commissioner to
inspect the project site and to submit a detailed report
to this court, with regard to the following matters,

i.e. (i) List of ~~xxxx~~ Casual Labour.

(ii) List of men contract workers

(iii) List of women contract workers.

iv) Licence and registration details of the
principal employer and the contractors.

v) The ~~xxxx~~ quantum of wages paid
to workers.

vii) to inspect the project site for compliance
of the contract Labour (Regulation and
abolition) Act, Equal Remuneration Act,
payment of wages Act and other statutes

for the protection of labour in the said project (in Grl. M.P.No.1706/87)

2) issue an order of ad interim injunction restraining the sixth respondent namely the Executive Engineer, Karia Koil project Reservoir Pappanaickenpatti P.O. Athur Taluk, Salem District from practising unfair labour practice by periodically changing the names of the 47 casual Labour workers, working in the project (in W.M.P.NP. 1707/847)

(3) Direct the sixth respondent namely the Executive Engineer of the Kariakoil project Reservoir, Athur Taluk Salem District, to ensure that his authorised representative is present at the time of disbursement of wages and that wages are paid conforming to Sec. 21 of the contract Labour (Regulation and abolition) Act, 1971 and Rules 63, 64, 65, 67, 71, 72, 83 and 78 of the Tamil Nadu Contract Labour Rules and issue wage ~~xxx~~ slips in Form 19, Specified therein, under the said Act (in W.M.P.No.1708/87) ;

() issue an order of ad-interim ihjunction restraining the respondents 1-12 from denying the minimum wages payable as per the notification in G.O.Ms.No.1568 dated 5.7.1983, to the contract labourers working in Kariakoil project ~~xxxx~~ Reservoir at Athur Taluk, Salem District (in W.M.P.No.1709/87) and

(5) Issue an order of ad-interim injunction restraining the respondents 1-12 stated above, from violating the provisions of the Equal Remuneration Act 1975

and consequently pay the men and women workers of the Kariakoil project Reservoir at Athur Taluk, Salem District, the same wages when doing the same work (in W.M.P.No.1710/87) respectively pending W.P.No.1134 of 1987 presented under Art. 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1-12 to implement forthwith the provisions of the Central Labour (Regulation and Abolition) Act, Equal Remuneration Act 1976 and payment of wages Act and Minimum wages Notification No.1568 dated 5.7.1983.

Order: These petitions coming on for hearing upon perusing the petitions, and the affidavit filed in support of W.P.No.1134 of 1987, on the file of the High Court, and upon hearing the arguments of Mr.T.M.Vasudevan Advocate for the petitioner in all the petitions, and of Mr.J.Kanakaraj Additional Government Pleader on behalf of the respondents 1 to 6 in all the petitions and of Mr.P.Seshadri Advocate for the respondents 7 to 12, in all the petitions the court made the following order :

On or before 1.7.1987, all the workers belonging to the category of Mzdoors, with whom alone we are concerned in this writ petition, shall be paid at the rate of Rs. 12/- and Rs.11/-daily, for categories 1 and 2 respectively, irrespective of Sex. The Executive Engineer (The sixth respondent) shall ensure that such payments are made to all the workmen belonging to the above category. Counter to be filed in 4 weeks. ~~In the above category. Counter to be filed in 4 weeks~~

In the meanwhile, the Commissioner of Labour may depute a responsible officer to find out the actual position including whether the labour welfare legislations like the Minimum wages Act etc. are followed and the benefits of such legislations are extended to these workmen and submit a report to this court on or before 20.8.1987. This inspection shall be made after notice to the writ petitioner as well as to respondents 6, 8, 9 and 11. Call after the report.

2) With regard to 40 persons found in the list of N.M.Rs. annexed to this order, if they were under the employ of the Executive Engineer, the sixth respondent, they shall be provided with employment on or before 1.7.87. Should the sixth respondent encounter any difficulty concerning this, he may move this court for appropriate direction.

List of N.M.Rs.

1. P.M.A. Prakash
2. .Shivanandam
3. G.Ramaswamy
4. . S.Es aran.
5. K.Rankumar
6. V.Narasimha Bharathi
7. A. rumai Joseph Selvam.
8. S. Rajendran
9. C.Arumugam
- 10.K. .Rathinavel.
- 11.K.Natesan.
- 12.K.Manoharan.
- 13.C.Michael Das.
- 14.R.Issaikumuthu
- 15.C.Shekar
- 16.P.Raman (P.N.Patti)
- 17.S Velan
- 18.A Kuppaswami
19. C.Shelivalingam
20. P.G.Maniam Pillai
21. T.Kasi Viswanathan
22. R.K G.Kennedday
23. k.R.Sampath

- 24. B.Chandran
- 25. R.Mamilarasan
- 26. P.Mani.
- 27. R.V. Anantharaman
- 28. J.Krishnan
- 29. K.P.Shanmugam.
- 30. V.Sreenivasan.
- 31. P.Raman(Thumbal).
- 32. K.Chinnaswami
- 33. A.Chinna Thambi.
- 34. S.Kannan
- 35. M.Ravichandran.
- 36. P.Kannan.
- 37. R.Sundararajan
- 38. V.Anantha Raman
- 39. M.Rajendra.
- 40. I.Karunakaran.

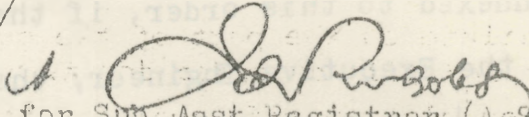
Dated at Madras this the 30th day of April 1987.

Sd....

Counsel for Petition.

Sd. H.Radha
Asst.Registrar (P)

/true copy/


for Sub-Asst.Registrar (A.S.)

- To
1. The Secretary to Government of Tamil Nadu,
Public Works Department, Fort St.George, Madras-9
 2. The Commissioner of Labour II Madras-Teynampet,
Madras-18.
 3. The Assistant Commissioner of Labour
o/o The Deputy Commissioner of Labour Salem.
 4. The Deputy Commissioner of Labour (Inspection) Madras
 5. The Deputy Inspector of Labour, (Minimum Wages)
Madras.
 6. The Executive Engineer, Kariakoil project Reservoir,
Pappanaickenpatti P.O.
Athur Taluk, Salem District
 7. One cc to M/s P.Seshadri Advocates on payment of
charges (S.L.28193)
 - + one ccto Mr.V.Prakash Advocate on payment of
charges (SR 28390)
- ss/ 30.6.